HELP IMPROVE
THE EDUCATION ACT

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Northwest Territories Education

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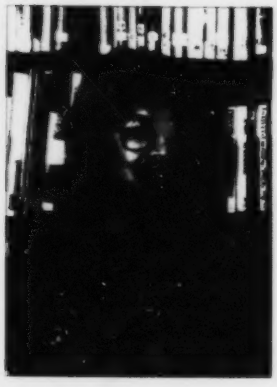
MINISTER'S INTRODUCTION



The Legislative Assembly Special Committee Report on Education has guided the development of education since 1982. The recommendations in this report have resulted in many changes and improvements to the Education Act, and this report will continue to provide the framework for action into the 1990's.

However, The Education Act has been amended so many times since it was approved in 1977 that it no longer provides clear direction. Before the end of this Assembly, and my term as Minister of Education, I want to consult with education authorities, agencies and interested groups to get their advice on redrafting the Education Act.

You are being asked now to make your recommendations. Increasing demands, particularly from the Dene communities for new self government institutions and more community control and involvement in education, provides us with a unique challenge to design a new Education Act to serve us better as we grow and mature as a Territory.

A concerted effort on your part will be required to translate a variety of ideas and innovations into concrete and workable recommendations.

The following discussion paper, *Help Improve the Education Act*, explains the Act and, recognizing the direction of the Special Committee, asks for comments to guide changes to the Act. The Department of Education will be making presentations on the redraft of the Act this fall. Through your organization the people of the N.W.T. will have the opportunity to provide the advice needed now to redraft and improve this important piece of Legislation.

Stephen Kakfwi
Minister of Education

WHY CHANGE THE EDUCATION ACT?

The Northwest Territories Education Act was written in the mid-1970s. It defines the responsibilities of the Minister of Education, local education authorities and school staff. It determines how the school system will be managed, and generally how education will be delivered in the Northwest Territories.

The Education Act has been changed and added to many times since it was first written. Many of these changes were the result of recommendations made by the Legislative Assembly's Special Committee on Education. During 1980 and 1981 this committee consulted with members of the public, local education authorities, and interested groups in all parts of the Northwest Territories. The committee looked at all aspects of education and made recommendations for change to the Assembly in 1982. The direction the committee provided through their report, *Learning: Tradition and Change*, continues to guide education in the N.W.T.

The many changes and additions which have been made to the Education Act since it was approved in 1977 have, however, made it hard to understand. Now sections of the Act are also out-of-date because of the Canadian Charter of Rights and Freedoms.

This discussion paper was written to explain what The Act says now, and to ask for comments on changing the Act. This paper will be given to all local education authorities and to the following agencies concerned about education: N.W.T. School Trustees Association, N.W.T. Teachers' Association, Western Arctic Aboriginal Educators' Association, Inuit Specialist Council, Board of Governors of Arctic College, Dene Nation, Metis Association, Inuvialuit Regional Corporation, and Tungavik Federation of Nunavut.

The advice given through these agencies will help improve the Education Act so that it will provide clear direction for education into the 1990s.

WHAT DOES THE ACT SAY? WHAT SHOULD BE CHANGED?

GOALS OF EDUCATION

Over the years, and especially during the time when the Special Committee on Education was gathering information, people in the Northwest Territories have said what kind of education system they wanted.

People have said they want a system that will provide opportunities for learning for people of all ages.

The Special Committee in the introduction of *Learning: Tradition and Change* said that the first goal of the education system should be to provide life-long opportunities for learning. The Education Act provides for kindergarten to grade 12. The Education Act now, and when it is redrafted, together with the system of adult education provided through the Arctic College Act, will continue to recognize this goal.

People have said they want a system that will develop people who have the attitudes, knowledge and skills to become responsible members of society - people who can think for themselves and succeed at their potential at whatever they choose to do with their lives.

Learning: Tradition and Change also begins by saying how important education is to prepare people to participate in and direct the developments changing the north. This goal requires that the Education Act focuses on students, and provides for high educational standards.

People have said they want an education system that will develop people who are proud of their own culture and who appreciate the many cultures of people in the Northwest Territories.

The Special Committee also recognized the importance of language and culture in education. The committee said that increasing the use of aboriginal languages in schools would strengthen aboriginal "students' general use of languages, and enable them to learn more effectively about every subject in the curriculum." Now the Northwest Territories has recognized eight official languages which include: Chipewyan, Cree, Dogrib, English, French, Gwich'in, Inuktitut and Slavey.

To meet this goal schools should reinforce and reflect each student's cultural identity and should build on each student's experiences. The Education Act recognizes the importance of language and culture, but it will have to be reviewed in consideration of the N.W.T. Official Languages Act and the Canadian Charter of Rights and Freedoms.

People have said they want an education system that will provide programs to meet the educational needs of each community, and that take into account what each community considers most important.

This goal describes an education system which recognizes the importance of local public control.

The structures created through the Education Act to govern and manage education should meet the needs in the N.W.T. for local public control. Education is a partnership; parents, band chiefs, community elders and other community leaders, and schools are important in the education of children. The importance of local public control is obvious in the Act because the largest section of the Act talks about the organization and operation of education districts and divisions.

These four goals that people have identified for the education system will continue to provide direction for any changes to be made to the Act when it is redrafted.

WHAT DO YOU THINK?

1. *Should the goals described above continue to be the goals of the education system? If not, what should the goals of education be?*

INTRODUCTION TO THE EDUCATION ACT

The Education Act begins with definitions and a description of the powers of the Minister, and the responsibilities and organization of local education authorities. Then it speaks about specific subjects, such as, language and culture; religious, vocational and special education; the school year, educational standards, kindergarten and private schools. The next part of the Act talks about teachers, and the last part talks about student attendance, transportation assistance and accommodation.

PART 1: POWERS OF THE MINISTER AND DUTIES OF SUPERINTENDENTS

POWERS OF THE MINISTER

The Act says:

The Education Act describes the powers and responsibilities of the Minister of Education. It gives most of the authority for education in the Northwest Territories to the Minister. The way the Act describes the Minister's role was appropriate in the 1970s. At that time, the Minister of Education, working through Territorial Superintendents of Education, was involved in the day-to-day operation of schools. This situation has changed. Boards and other local education authorities are now responsible for the management and delivery of education in communities.

The Act provides that the Minister may delegate to the Deputy Minister any powers and duties, such as:

- authorizing education programs;
- providing school libraries, facilities, and equipment for physical education;
- maintaining standards of instruction and prescribing learning materials; and
- providing certificates of qualification for teachers.

The Education Act could be improved by describing the powers and responsibilities of the Minister of Education in the same way that the powers and duties of Ministers of Education are described in other jurisdictions in Canada. The Act would then clearly identify that local education authorities are responsible for the operation of schools, and that the Minister is responsible for education in general and education standards.

WHAT DO YOU THINK?

2. *What powers and duties should the Minister keep and what powers and duties should be made the responsibility of boards?*

Powers of the Minister
1985(2),c.3,s.4.

Administration

3. (2) The Minister shall administer this Act and is responsible for the establishment and dissolution of education districts and education divisions and schools within an education district or education division.

Director of Education

(3) The Minister shall appoint a Director of Education who shall manage the education system in the Territories.

Duties of Minister

(4) The Minister shall have charge of and be responsible for:

(a) the division of the Territories into areas called Superintendencies and the assigning of a Superintendent to each such area;

(b) the reviewing and approving of all plans for construction of new education

facilities and the preparation of plans for new education facilities in education districts other than those for which a Board of Education has been established;

(b.1) authorizing education programs;

(c) the establishment and operation of correspondence courses;

(d) the provision of special classes, facilities and instruction for students who require special education programs;

(e) the establishment and operation of experimental courses and programs;

(f) the provision of suitable and adequate library and resource facilities for all schools other than schools under the jurisdiction of a Board of Education or a Divisional Board of Education;

(g) the provision of educational television where, in the opinion of the Minister, facilities are available and the students would benefit;

(h) the provision of equipment and facilities for school programs for physical education, athletics and recreation for education districts where there are community education committees;

(i) the operation of vacation schools;

(j) the maintenance of the standards of instruction in the education system at a satisfactory level;

(k) the prescribing of learning materials for use in education programs;

(l) the preparation and publication of a calendar for the academic year for each education district;

(m) the issuing and reinstating of certificates of qualification for teachers and the cancelling and suspending of certificates of qualification for just cause, subject to the regulation; 1982(2),c.6,s.2.

(m.1) the classification of teachers; 1982(2),c.6,s.2.

(n) the recruitment, appointment, transfer, payment, suspension and dismissal of teaching personnel and other staff for education programs in education districts that have a community education committee;

(o) the payment of teaching personnel and other staff for education programs operated by a community education society;

(p) the inspection of and reporting on the performance of teaching personnel and other professional staff employed within the education system;

(q) the operation of programs for the training of teaching personnel;

(r) the employment of counsellors, school counsellors and such other personnel as the Minister considers necessary to serve children and adults in the education programs other than those operated by a Board of Education or a community education society;

(s) the provision to students of meals where in the opinion of the Minister such provision is advisable;

(t) the operation of student residences and boarding programs for students who leave home in order to attend school and the prescribing of the fees, if any, to be charged for accommodation but the Minister may delegate this responsibility to a Divisional Board of Education;

(u) the suspension and expulsion of students other than those who participate in an education program that is under the jurisdiction of a Board of Education, a Divisonal Board of Education or a community education society;

(u.1) assigning students to a school operated by a Board of Secondary Education where the students reside outside the municipality where the school is located.

(v) the provision of interpreter services to assist in the proper conduct of meetings of community education committees and community education societies.

SUPERINTENDENTS OF EDUCATION

The Act says:

The next section of the Act describes the responsibilities of Superintendents in the delivery of education. It is written for Regional Superintendents where all schools are under the direct supervision of the Department of Education, and the Superintendents report to the Deputy Minister of Education. This section does not apply to Superintendents appointed by Boards of Education, or Directors of Divisional Boards of Education. Now there is only one Regional Superintendent of Education in the N.W.T., two Superintendents report to Boards of Education and there are seven Directors of Divisional Boards.

The Act says that Superintendents of Education shall:

- supervise the opperation of education programs and the financial operation of community education societies and committees,
- investigate and report on education issues,
- make sure that the performance of teachers is assessed, and
- investigate and report on the conduct of students when requested by the Minister or the local education authority.

WHAT DO YOU THINK?

3. *What changes should be made in the description of the duties of Superintendents?*

Superintendents of Education

Superintendents

4. (1) Subject to the provisions of the *Public Service Act* Superintendents of Education shall be appointed and each Suprintendent shall perform his duties in relation to the Superintendency to which he is assigned by the Minister.

Duties

(2) A Superintendent shall

(a) supervise the operation of the education system within his Superintendency including adult education, vocational education, special education and school programs, and any education project assigned by the Minister;

(b) investigate matters relating to education within his Superintendency and report to the Minister;

(c) supervise all financial operations of the community education committees and societies within his Superintendency and, in co-operation with the community education committees and societies, prepare an annual budget estimate for his Superintendency;

(d) attend meetings of the local education authorities for the purpose of receiving their advice and providing them with advice and direction;

(e) formally inspect or cause to be inspected the work of:

(i) every teacher on probationary appointment in his Superintendency,

(ii) any teacher in the Superintendency in respect of whom the Minister requests a report, and

(iii) any teacher in the Superintendency who, on or before the first day of February in that academic year, requests that a report be made with respect to himself, and present a copy of the report to the teacher whose work is inspected;

(f) investigate and report on the conduct of any student when requested to do so by a local education authority or the Minister;

(g) perform such other duties and functions as are assigned to him by the regulations or the Minister.

PART 2: ORGANIZATION OF EDUCATION DISTRICTS AND DIVISIONS

The Act DEFINES A LOCAL EDUCATION AUTHORITY, describes the term of office of LEA members, procedures for the first LEA meeting, the boundaries of an education district and when an LEA may be dissolved.

GENERAL

The Act says:

This part of the Act begins by defining the term local education authority (LEA).

An LEA is:

- a community education committee
- a community education society
- a board of education
- a community education council
- a divisional or advisory board of education for an education division which is one education district

General

Organization

5. (1) Subject to Parts II.1 and II.2, the education system of the Territories shall be organized into education districts in respect of each of which there shall be a local education authority. 1987(1),c.2,s.6.

Local education authority

(2) For the purposes of this section and sections 5.1, 5.2, and 5.3, "local education authority" means

(a) a community education committee;

(b) a community education society;

(c) a Board of Education;

(d) a community education council;

(e) a Divisional Board of Education for an education district that is comprised of one district; and

(f) an Advisory Board for an education division that is comprised of one education district. 1988 (1), c.8, s.3.

TERM OF OFFICE

The Act Says:

The term of office of a member of an LEA which is located in a city, town, village or hamlet is the same as the term of a member of the municipal government. In cities, towns and villages the term of office is three years. Elections are held every three years, unless the Minister of Education orders otherwise. Vacancies are filled through a by-election, or by appointment by the LEA.

In hamlets the term of office is two years and elections are held annually, unless the Minister of Education orders otherwise. No term of office is given for settlements, although in practice the term is the same as the term for hamlets. In hamlets and settlements vacancies are filled by appointment by the LEA.

All members of local community education committees, councils, and societies, except for the member appointed by the community council are elected by eligible voters in the community. This makes the education authority in each community separate from the community council, but provides for consultation.

The Act does not allow a representative to be appointed to the local education authority by a band council, nor does it allow a community government or band council to take over the responsibility of the local education authority.

Aboriginal groups in the N.W.T. have said they want control of education. They consider education to be an aboriginal right provided through Treaties 8 and 11. Treaty 8 says:

> *Her Majesty agrees to pay the salaries of such teachers to instruct the children of said Indians as to Her Majesty's Government of Canada may seem advisable,*

and Treaty 11 says:

> *His Majesty agrees to pay the salaries of teachers to instruct the children of said Indians in such manner as His Majesty's Government may deem advisable.*

The *Dene Metis Agreement-in-Principle* does not address the education of school children, although it confirms the rights provided through Treaties 8 and 11. The *Inuvialuit Final Agreement* and the *Tungavik Federation of Nunavut Agreement-in-Principle* also do not address education of children.

Term of Office

Term of office

5.2 (1) Notwithstanding any other provision of this Act, where an education district is located within a municipality or settlement, the term of office of a member of a local education authority for that education district is equal in length to the term of the elected councillors of the municipality or settlement, unless the Minister orders otherwise.

Length of term

(2) The term of office of a member shall

(a) in the case of a local education authority for an education district located within a city, town or village

(i) commence at noon on the first Monday of November following election of the member or when the member is sworn in, whichever is later; and

(ii) end at noon on the first Monday of November, and

(b) in the case of any other local education authority

(i) commence at noon on the first Monday of January following election of the member or when the member is sworn in, whichever is later; and

(ii) end at noon on the first Monday of January.

Holidays

(3) Where the term of office of a member of a local education authority begins or ends on a Monday that is a holiday, the term shall begin or end on the next day that is not a holiday.

First meeting

5.3 (1) The first meeting of a local education authority shall be held

(a) in the case of a local education authority for an education district located within a city, town or village, no later than the second Monday in November following the election of the local education authority; or

(b) in the case of any other local education authority, no later than the second Monday in January following the election of the local education authority.

Chairperson and vice-chairperson

(2) At the first meeting of a local education authority, the members shall elect one of their number as the chairperson and, where applicable, another as vice-chairperson. 1988 (1), c.8, s.4.

School attendance

6. The Superintendent may assign students to schools in the education district and, where a student has reached an educational level beyond that offered in the education district, the Superintendent may, after consulting the student and his parent or guardian and attempting to comply with their wishes, assign that student to a school in the Territories that provides a suitable program.

ELECTION PROCEDURES

The Act says:

Specific details of election procedures are contained in the Local Authorities Elections Act. The G.N.W.T. Department of Municipal and Community Affairs has prepared a manual called *How to Run Elections* to explain these procedures. The manual has been distributed to all regional offices in the N.W.T. and should be available in community government offices as well.

The Local Authorities Elections Act says that an education authority may run its own election, or may request that the municipal council run it. If an education authority chooses to run its own election on a day different from the municipal election, it must:

- appoint a returning officer,
- appoint a registrar to prepare a voters list,
- give notice of vacancies on the LEA and for the nomination of candidates,
- appoint election officials,
- arrange for polling stations,
- prepare ballots,
- hold the election, including an advance poll,
- count the votes and declare the successful candidates, and
- hold ballots and other election documents until the appeal period for recounting votes is over.

Election Procedures

Election of members

(3) The provisions of the Local Authorities Elections Act apply to all matters respecting the election of members of a local education authority.

Resignation

(4) Any member of a local education authority may resign from his position by giving notice, in writing, to the local education authority. 1983(2),c.3,s.12; 1985(1),c.4,s.9; 1987(1),c.2,s.6; 1987(1),c.21,s.199,120.

EDUCATION DISTRICTS

The Act says:

The boundary of an education district is the same as the boundary of the community, although the Minister of Education may extend the boundary of a district. Most communities have only one education district, except Yellowknife and Iqaluit. The boundaries of Yellowknife are the boundaries for district #1, governed by the Public Board of Education, and district #2, governed by the Separate Board of Education.

There are also two districts in the area of Iqaluit: one for the area served by the Nanook School in Apex, and the other served by the Joamie and Nakasuk Schools, and the Gordon Robertson Education Centre in Iqaluit itself.

One of the most important recommendations of the Special Committee on Education was that education should be controlled at the local level. The Education Act now provides for local control of education through a number of education authorities which have different powers and responsibilities. The education authorities included in the Act are:

- Community Education Committees
- Community Education Societies
- Divisional Boards of Education
- Community Education Councils
- Boards of Secondary Education
- Boards of Education
- Separate Boards of Education

Education Districts

Education

7. (1) Subject to subsection 3(2) and Part II.2, every community in the Territories in which there is at least one school in operation shall be an education district and every school shall be in an education district.

Limits of district

(2) The limits of an education district shall coincide with the boundaries of the community but the Minister may extend the limits of the district for the purpose of providing education services to persons residing outside the boundaries of the community.

Publication

(3) The Minister, within three months after the commencement of this Act, shall publish a list of the education districts in the Territories with a number assigned to each and a designation of the category of local education authority that shall function in the education district.

Dissolution of local

(4) The Minister may, where he is of the opinion that the education education authority needs of residents of an education district are not being adequately satisfied, dissolve the local education authority elected or appointed for that education district and vest in the Director all powers and authority of the local education authority. 1985(1),c.4,s.9; 1985(2),c.3,s.4;1987(1),c.2,s.7.

COMMUNITY EDUCATION COMMITTEES AND SOCIETIES

The Act Says:

When the Act was proclaimed in 1977 Community Education Committees were established for each district, except the two districts in Yellowknife. (The Yellowknife districts had been set up about 30 years earlier and were governed by Boards of Education.) Now only two districts remain which are governed by a Community Education Committee, Hay River Reserve and Snowdrift.

A Community Education Committee may advise the Superintendent on special education matters and the needs of education programs with respect to new school staff members. They also have the authority to organize local cultural programs.

The Act assumed that Community Education Committees would develop over time and petition the Minister to become Community Education Societies. Societies have a wider range of authority. Where societies were formed they did become active and strong advocates representing education in communities.

Now only four districts, Inuvik, Hay River, Fort Smith and Fort Resolution are governed by Community Education Societies. With the formation of Divisional Boards of Education in the N.W.T. most Community Education Committees and Societies have been replaced by Community Education Councils (see below).

Community Education Committees

Composition of community education committee

8. A community education committee is composed of:

(a) four elected members;

(b) one member appointed by the municipal council in the education district, if any, from among the members of the municipal council;

(c) such additional elected members, not exceeding four, as the community education committee may fix after consulting the voters of the education district at a general meeting held pursuant to paragraph 16(b); and

(d) such ex officio members as this Act may require. 1985(1),c.4,s.9; 1987(1),c.21,s.122.

Idem

9. (2) The member of a community education committee appointed by a municipal council holds office for one year.

Duties of committee

16. Every community education committee shall

(a) discuss all education programs including special, adult and vocational education programs offered in the education district and forward to the Superintendent its opinions of the programs and its views or desires in respect of future programs;

(b) at least once each year hold a general meeting of the voters of the education district at which the chairman of the committee shall present a report on

the education programs and activites of the district and invite the comments and suggestions of the voters on education matters in the district.

(c) review proposals for the construction of new education facilities in the education district including proposed building sites and plans for buildings, and advise the Superintendent of its approval or disapproval of the proposals;

(d) advise on appointments of staff for student residences in the education district, review plans for the operation of the residences and advise the Superintendent with respect to such plans;

(e) advise the Superintendent of the special wishes of the residents of the education district with respect to opening and closing dates for schools and education programs, observance of special holidays and related matters, and the Superintendent shall report to the Minister on these matters. 1985(2),c.3,s.4.

Powers of committee

17. A community education committee may

(a) advise on and assist in the establishment and operation of special, adult or vocational education centres in the education district, review the selection of students for and their placement in special, adult and vocation programs and advise the Superintendent on these matters;

(b) pay to each of its members an honorarium and expenses as prescribed by regulation;

(c) advise the principals in the education district and the Superintendent of its views on the needs of the education programs with respect to new staff members including principals;

(d) organize, with the assistance and co-operation of the Superintendent, principals and teaching personnel, special programs for the education district, which may include material from the culture and life style of the local people;

(e) permit the education facilities to be used for purposes other than education programs in accordance with the regulations;

(f) establish and appoint committees and assign duties to the committees; 1989(1),c.7,s4.

(g) organize supervised lunch-hour programs for the benefit of students who wish to participate.

COMMUNITY EDUCATION SOCIETIES

The Act says:

Societies have more responsibility than committees for the delivery of education in a community. Committees are largely advisory. For example, it is the duty of a society to review and advise on all education program plans, and plans for construction of schools. Societies also act as the agent of the Minister in the appointment of teaching staff.

Regional Superintendents of Education are responsible to supervise the operation of the education system in areas governed by committees and societies. The Department of Education as a result is involved in the day-to-day delivery of education for those districts governed by committees and societies.

Community Education Societies

Community education society

18. (1) Where fifty voters of an education district for which a community education committee has been designated as a local education authority petition the Minister to designate a community education society as a local education authority, the Minister may, in his discretion, designate a community education society as the local education authority.

Duties of society

21. (1) Every community education society shall

(a) meet at least once each month to conduct its business; 1989(1),c.7,s.5.
(b) select and appoint and arrange for the bonding of a secretary-treasurer for the education district;
(c) pay the secretary-treasurer an annual salary as prescribed by regulation;
(d) have the Superintendent or his delegate attend regular meetings of the society from time to time as may be required by the society;
(e) review all reports on education programs received from every principal in the education district;
(f) review education program plans reported to the society by the principals and advise the Superintendent with respect to such plans;
(g) prepare, in co-operation with the principals and the secretary-treasurer, an annual budget proposal for the education district in accordance with the directives provided by the Director and present the proposal to the Superintendent;
(h) supervise the expenditure of the sum of money annually appropriated for that society for the operation of education programs, and institute accounting procedures acceptable to the Superintendent;
(i) hold a general meeting of the voters of the education district at least once a year, at which the chairman of the society shall present a report on the education programs and activities of the education district and those voters present shall be invited by the chairman to present to the society their comments and suggestions on education matters in the education district;
(j) review and advise on all plans for construction of new education facilities, including plans for new buildings and building sites in the education district;
(k) act as the agent of the Minister in the appointment of principals, teaching

personnel and non-professional staff to the education programs of the education district;

(l) approve plans for programs associated with the operation of student residences in the education district;

(m) advise the Superintendent of the special wishes of the residents of the education district with respect to opening and closing dates for the schools and education programs, observance of special holidays and related matters, and the Superintendent shall report to the Minister on these matters;

(n) ensure that all reports, statements or information required by this Act or the regulations are prepared and presented without delay;

(o) subject to any terms and conditions imposed by the Minister, have custody and safekeeping of all the education facilities in the education district that are used for carrying out the education programs of the district, and maintain such premises in a condition satisfactory to the Superintendent for the education district;

(p) keep available to the Superintendent a record of all proceedings of the society or any special committee it may appoint;

(q) permit the education facilities to be used for purposes other than education programs in accordance with the regulations;

(r) pay each month all accounts rendered for goods and services received or carried on in the operation of the education programs of the district from moneys received for that purpose from the Minister, but not including the salaries of principals, teaching personnel and non-professional staff. 1988(2),c.6,s.3.

Powers of society

22. Every community education society may

(a) organize, with the assistance and co-operation of the Superintendent, principals and teaching personnel, special programs for the education district, which may include material from the culture and life styles of the local people;

(b) advise on and assist in the establishment and operation of special, adult or vocational education centres in the district, review the selection of students for and their placement in special, adult and vocational programs and advise the Superintendent on these matters;

(c) make rules not inconsistent with this Act or the regulations, governing the conduct of its business;

(d) establish and appoint committees and assign duties to the committees; 1989(1),c.7,s.7.

(e) pay to each of its members an honorarium and expenses as prescribed by regulation. 1988(2),c.6,s.4;1989 (2),c.6,s.7.

DIVISIONAL BOARDS OF EDUCATION AND COMMUNITY EDUCATION COUNCILS

The Act Says:

The Education Act was changed in 1983 by defining a new education authority, a Divisional Board of Education. In 1982 the Legislative Assembly's Special Committee on Education recommended that the direct administration of schools in the N.W.T. be transferred from the Department of Education to divisional boards. The committee also recommended that 10 divisions be established in the N.W.T., each with its own divisional board. The boards would represent the education authorities which had been set up in each of the communities in the divisions.

Seven divisional boards have now been established, and the only areas not governed by a Board or Divisional Board of Education are the town of Inuvik and five communities in the South Slave: Fort Smith, Hay River, Hay River Reserve, Snowdrift and Fort Resolution.

The Act gives the Minister the authority to set up new divisions or change the boundaries of existing divisions. The Act also says that an education division can be made up of only one education district.

Education Divisions

Establishment of education divisions

(3) The Minister may, by order, establish an education division

(a) if the education division will be comprised of one education district, where the local education authority for that education district has presented the Minister with a petition requesting the Minister to establish the education district as an education division; or

(b) if the education division will be comprised of more than one education district, where the local education authorities of all such education districts have presented the Minster with a joint petition requesting the Minister to establish such education districts as an education division; and

(c) where the local education authority or authorities, as the case may be, have complied with the criteria prescribed by the Commissioner by regulation respecting the establishment of an education division.

Contents of order

(4) An order under subsection (3) shall include

(a) the name of the education division;
(b) the date upon which the education division is established;
(c) the education districts which are included in the education division;
(d) the appointment of the Superintendent or interim trustee, as the case may be, for the education division;
(e) the number and positions of persons to be employed in the education division by the Government of the Northwest Territories; and
(f) such other matters as the Minister deems appropriate.

Responsibilites of Minister

(5) The Minister shall be responsible for the maintenance of those lands and buildings used for delivering the education program in the education di-

vision and for the acquisition of additional lands, the construction of additional buildings and the replacement of buildings required for delivering the education program and he may delegate such responsibilities to a Divisional Board of Education.

Public Service Act applies

(6) Any person employed by the government of the Northwest Territories in an education division in a position described in paragraph (4)(e) shall be appointed and remunerated in accordance with the Public Service Act and any collective agreement entered into by the Commissioner and the Northwest Territories Teachers' Association or the Union of Northern Workers, as the case may be, shall apply to such persons. 1988 (1), c.19, s.10.

Education districts may be included or removed

(7) A local education authority or a community education council for an education district, as the case may be, may petition the Minister to have the education district included in or removed from an education division.

Minister may amend order to include or remove education districts

(8) Where, after consultation with the Divsional Board of Education or the interim trustee and the Advisory Board, as the case may be, and the community education councils for an education division, the Minister is of the opinion that the education district referred to in subsection (7) should be included in or removed from the education division, and where the local education authority or the community education council referred to in subsection (7) has complied with any other criteria prescribed by the Minister for inclusion or removal from the education division, the Minister shall recommend to the Commissioner that the regulations respecting the composition of the education division be amended and , where so amended, the Minister shall amend the order establishing the education division accordingly.

Education division may be dissolved

(9) Subject to subsection (10), the Minister may, by order, declare that on and after a day specified in the order an education division shall be dissolved.

Idem

(10) No order shall be made under subsection (9) until the Minister has approved the arrangements to satisfy the existing financial obligations of the education division to be dissolved.

Minister to make arrangments

(11) Upon the dissolution of an education division, the Minister shall, by order, make such arrangments which to him seem proper and expedient with respect to the transfer of the assets and liabilities of the education division and any other adjustments and settlements that may be necessary to wind up the affairs of the education division. 1983(2nd),c.3,s.14; 1985(1),c.4,s.9; 1985(2),c.3,s.4.

DIVISIONAL BOARDS OF EDUCATION

The Act says:

Divisional Boards of Education manage and direct the delivery of the school program in the division. They set priorities and goals for education in the division and provide advice to the Minister on the development of education programs, new initiatives, and the construction and repair of school buildings. Divisional boards own the program equipment in schools, but the government owns the school buildings. Divisional boards also have an important role in the selection of staff, and are responsible for the day-to-day management of staff. The education staff in the division, however, remain employees of the G.N.W.T.

Residents in education divisions pay taxes which include a tax to support schools, but this money is not collected by divisional boards. It is included in the general revenue of the Government of the Northwest Territories. Divisional boards are funded totally by the Territorial Government.

Administrative support services for divisional boards are largely provided by the service departments of the Territorial Government according to agreements. Each divisional board signs agreements with the Departments of Culture and Communications, Finance, Government Services, Justice, Personnel and Public Works. These agreements define the standards and the level of service the departments provide to divisional boards.

Divisional Boards of Education

Divisional Boards of Education

53.3. (1) The Minister may establish for an education division, a Divisional Board of Education which shall be a body corporate.

Superintendents

(2) The Minister shall appoint a Superintendent for an education division where a Divisional Board of Education is established. 1983(2nd),c.3,s.14; 1985(2),c.3,s.4.

Application

53.4. (1) This section applies to a Divisional Board of Education which is comprised of more than one education district.

Composition of Board

(2) A Divisional Board of Education shall be composed of one member from each education district appointed by the community education council of that education district.

Eligibility for appointment

(3) Any person is eligible to be appointed or to hold office as a member of a Divisional Board of Education who is a member of the community education council of the education district in which he resides.

Vacancy

(4) Where a vacancy occurs on a Divsional Board of Education, a member shall be appointed by the community education council to replace the former member for the balance of the term of the former member.

Term of office

(5) A member of a Divisional Board of Education holds office for two years or for the balance of his term as a member of a community education council, whichever is shorter. 1987(1),c.32,s.146.

Additional members

53.5. The Minister may, as he deems advisable, appoint additional members to a Divisional Board of Education. 1983(2nd),c.3,2.14; 1985(2),c.3,s.4.

Duties of Board **53.12.** Every Divisional Board of Education shall

(a) administer and manage the educational affairs of the education division in accordance with the intent of this Act and the regulations;

(b) exercise general supervision and control over the education facilities in the education division and make such by-laws with respect to program management as may be considered necessary for effective and efficient operation of such programs;

(c) ensure that the basic instructional program as prescribed by the Minister is provided in each school in the education division in accordance with the grades taught in that school;

(d) procure a seal;

(e) prescribe the powers and duties of the Superintendent in addition to those powers and duties of the Superintendent under this Act;

(f) arrange and pay for the bonding of the financial officer;

(g) receive reports from the Superintendent on the operation of each education program in the education division;

(h) review new education programs proposed to it by the Superintendent;

(i) prepare an annual estimate of its revenue and expenditures for the operation and maintenance of the education programs for the education division and present the estimate to the Minister in the form and at the time required by him;

(j) receive annually such moneys as are appropriated for its use by the Legislative Assembly of the Northwest Territories;

(k) supervise and be responsible for the expenditure of all moneys necessary for the payment of the accounts of the Divisional Board of Education;

(l) maintain those lands and buildings used for delivering the education program in the education division and acquire additional lands, construct additional buildings and replace buildings where they are required for delivering the education program, where so delegated by the Minister and subject to any terms and conditions which he may impose;

(m) provide adequate library, audio-visual and other resource materials for the education programs in the education division;

(n) furnish all students with textbooks, exercise books, pens, pencils and all other supplies, either free of charge or at a price fixed by the Divisional Board of Education;

(o) approve learning materials for use in education programs in addition to those approved by the Minister;

(p) settle all disputes arising in relation to an education program of the education division between a student or his parent or guardian, and the teaching personnel;

(q) keep a full and accurate record of the proceedings, transactions and financial affairs of the Divisional Board of Education;

(r) require that all funds in the control of the Divisional Board of Education be kept in a chartered bank, to be paid out by cheques signed by the financial officer and the chairman of the Board or such other member of the Board as may be designated by the Board;

(s) prepare or cause to be prepared such reports and returns concerning statistical data, budgetary information and reports respecting the operation of the education programs in the education division as may be required, from time to time, by the Minister;

(t) provide interpreter services to assist in the proper conduct of meetings of community education councils; and

(u) provide instruction appropriate to their learning levels for all students in the education division, and ensure that the education programs are conducted in accordance with the provisions of this Act and the regulations.

1983(2nd),c.2,s.14; 1985(1),c.4,s.9,11; 1985(2),c.3,s.4.

Duties of Board requiring consultation

53.13. (1) In consultation with the community education councils in the education division, a Divisional Board of Education shall

(a) recommend to the Minister the dates of school opening, school closing and vacations for all schools in the education division pursuant to subsection 64(2);

(b) participate in the recruitment, selection and designation by the Minister of Superintendents, other than Superintendents who continue as Superintendents under subsection 53.16(7), principals, teachers, classroom assistants and non-professional staff required to provide the programs offered in the education division;

(c) approve the courses of instruction provided in the education division in addition to the basic instructional programs offered in the schools in the education division;

(d) provide suitable and adequate library and resource facilities for all schools in the education division; and

(e) provide equipment and facilities for school programs for physical education, athletics and recreation for the education division.

Consultation required in assigning students to schools

(2) In consultation with the community education council of the education district in which a student is resident, the Divisional Board of Education shall assign the student to a school in that education district and where

(i) a student has reached an education level beyond that offered in that school;

(ii) the school does not offer a suitable program of instruction for the student; or

(iii) for any other reason, the educational needs of the student would be better served at another school,

the Divisional Board of Education may, after consulting with the student and his parents or guardians and attempting to comply with their wishes, and after consulting with the community education councils affected, assign the student to a school in another division that provides a suitable program of instruction and where that school and any other school in the education district is unsuitable for the reasons stated in subparagraphs (i), (ii), or (iii), the Divisional Board of Education may, after consulting with the student and his parents or guardians and attempting to comply with their wishes, and after consulting with the community education council affected, recommend to the Minister that the student be assigned to a school in the Territories, outside of the education division, that provides a suitable program of instruction.

1983(2nd),c.3,s.14; 1985(2),c.3,s.4.

Powers of Board

53.14. Every Divsional Board of Education may

(a) enter into agreements for the provsion of a pension to an employee of the Divisional Board of Education on retirement on account of age or disability;
(b) pay correspondence course fees;
(c) establish programs of instruction for students who, for any reason, are unable to take proper advantage of the regular school courses of study;
(d) provide equipment and supplies for a noon lunch or other food services for students, and the necessary staff to operate such a program, and set such fees as the Divisional Board of Education deems appropriate;
(e) provide resources for recreation, athletic or sports programs;
(f) subject to the approval of the Minister, provide a kindergarten program for children in the education division, or in any education district in the education division, who are five years of age on or before the thirty-first day of December of the academic year in which the kindergarten program takes place;
(g) subject to the order establishing the education division, employ such persons as may be considered necessary by the Divisional Board of Education for the operation of the education division and fix their wages or remuneration;
(h) join and pay fees to educational associations approved by the Divisional Board of Education;
(i) allow an employee of the Divisonal Board of Education to take a leave of absence for educational purposes;
(j) pay to each of its members an honorarium and such expenses as its members may necessarily incur in carrying out their duties as members of the Divisional Board of Education, as prescribed by regulation; 1988(2),c.6,s.6
(k) establish and appoint committees and assign duties to the committees; 1989(1),c.7,S.11.
(l) acquire by gift, devise, lease, purchase or otherwise, personal property;
(m) permit, on such terms as it considers proper, education facilities to be used for community purposes; and
(n) where so delegated by the Minister, operate student residences and boarding programs for students who leave home in order to attend school, and prescribe the fees, if any, to be charged for accommodation. 1983(2nd),c.3,s.14; 1985(2),c.3,s.3.

Powers of Board requiring consultation

53.15. In consultation with the community education councils in the education division, a Divisional Board of Education may

(a) request the Minister to make a declaration under subsection 62(2) respecting the minimum number of days that schools in the education division shall be in session;
(b) select, appoint and arrange for the bonding of a secretary-treasurer for each education district within the education division;
(c) pay the secretary-treasurer an annual salary as prescribed by the Divisional Board of Education;
(d) provide programs for adult and continuing education; and
(e) delegate to a community education council, subject to any terms and conditions it may impose, its duties under paragraph 53.12(1) in respect of that education district. 1983(2nd),c.3,s.14; 1985(2),c.3,s.4.

COMMUNITY EDUCATION COUNCILS

The Act says:

When divisional boards are formed the committees and societies set up in each of the communities in the division become Community Education Councils, and their responsibilities change somewhat. They provide direction for the delivery of the school program in communities. However, they do not advise a Regional Superintendent who is responsible to supervise education. They advise the divisional board.

Divisional boards are made up of one representative from each of the Community Education Councils elected for each school district in that division. Divisional boards must consult with councils before exercising some of their powers and duties. Generally most of the decisions which are specific to particular schools, such as, the selection of school staff and the opening and closing dates of schools, are required by the Act to be made in consultation.

The Act says that Community Education Councils can ask the Minister to remove their education district from a division. The Minister has the authority to approve or deny their requests.

Community Education Councils

Community education council

53.17. (1) Where an education division is comprised of more than one education district, there shall be established a community education council for each education district therein.

Where no community education council

(2) Where an education division is comprised of one education district, the Divisional Board of Education or the interim trustee, as the case may be, shall perform the duties and may exercise the powers of a community education council with such modifications as are necessary and the provisions of the Act relating to community education councils apply to such a Divisional Board of Education or interim trustee *mutatis mutandis*.

Council may be dissolved

(3) Notwithstanding subsection (1), where the Minister is of the opinion that a community education council is not adequately fulfilling its responsibilities under this Act, he may, by order, dissolve the community education council whereupon all the powers and duties of the community education council vest in the Divisional Board of Education and subsection (2) applies to such Divisional Board of Education in respect of the education district of the former community education council. 1983(2nd),c.3,s.14; 1985(1),c.4,s.9; 1985(2),c.3,s.4.

Transitional

53.23. Upon the establishment of an education division, the persons who, immediately prior to the establishment of the education division, were members of a community education committee or a community education society, as the case may be, for an education district in the education division are thereby constituted as a community education council and each member shall continue to hold office for the duration of the term for which he was elected or appointed to the community education committee or community education society, as the case may be. 1983(2nd),c.3,s.14.

Duties of community education council

53.24. Every community education council shall

(a) review all reports from the principal and adult educator respecting the education programs offered in the education district;
(b) review new education program plans for the education division as presented to it by the Superintendent and advise the Divisonal Board of Education with respect to those plans;
(c) prepare an annual budget proposal for the education district in accordance with directions provided by the Divisional Board of Education;
(d) supervise the expenditure of the sum of money annually provided by the Divisonal Board of Education for the operation of education programs in the education district and institute accounting procedures acceptable to the Divisional Board of Education;
(e) advise the Divisional Board of Education on the selection of staff for the education programs of the education district;
(f) advise the Divisional Board of Education with respect to the opening and closing dates for schools;
(g) advise the Divisional Board of Education with respect to education programs for the education district;
(h) make available to the Divisional Board of Education a record of all proceedings of the community education council or of any committee it may appoint;
(i) ensure that all reports, statements or other information required by the Divisional Board of Education are prepared and presented when required;
(j) convene, at least once each year, a general meeting of the residents of the education district for the purposes of reviewing the progress of education and educational services available in the education district and discussing matters of interest and concern to the residents with respect to future development of programs and services; and
(k) where so delegated by the Divisional Board of Education and subject to any terms and conditions it may impose, maintain those lands and buildings used for delivering the education program in the education district and acquire additional buildings and replace buildings where they are required for delivering the education program in the education district.

1983(2nd),c.3,s.14.

Powers of community education council

53.25. Subject to the prior approval of the Divisional Board of Education, a community education council may

(a) pay to each of its members an honorarium and such expenses as its members may necessarily incur in carrying out their duties as members of the community education council, as prescribed by regulation; 1988(2)
(b) request the Superintendent or person authorized by him where he is unable to do so , to attend, from time to time, meetings of the community education council;
(c) advise the Divisonal Board of Education on the operation of student residences in the education district;
(d) establish programs of study for use in the school program and in the adult education program of the education district;
(e) permit, in accordance with the terms and conditions prescribed by the Divisional Board of Education, the education facilities to be used for community purposes; and
(f) establish and appoint committees and assign duties to the committees.

1989(1),c.7,s.14.

BOARDS OF SECONDARY EDUCATION

The Act says:

In 1987 the Education Act was added to again to provide for another kind of education authority, a Board of Secondary Education. This is a special type of school board created to provide a governing structure for regional high schools that would allow participation from more than one community.

High schools, or secondary schools, were first established in the N.W.T. in regional centres to serve surrounding communities. As the number of students in community schools grow, and there are enough students entering high school grades in communities, more community schools are offering grade 10. Grades 11 and 12 have also been introduced in some communities outside of regional centres.

However, there is still a need for regional high schools like Sir John Franklin Territorial High School in Yellowknife. Along with students from Yellowknife the school serves students from the Fort Smith, Fort Simpson and Rae Edzo Regions, as well as students from the Kitikmeot and Sahtu.

A Board of Secondary Education is not an elected board. Members are appointed by the Minister. Seven members have been appointed to the Sir John Franklin Territorial High School board. Four members represent Yellowknife, one member represents the Kitikmeot and two members represent the Fort Smith, Fort Simpson and Rae Edzo regions.

The powers and duties of this board are similar to divisional boards, but a Board of Secondary Education also has the authority to appoint a Superintendent and teaching staff. So far the Board of Secondary Education in Yellowknife is the only board of its kind in the N.W.T.

Boards of Secondary Education

Establishment of Board of Secondary Education

53.26. (1) Where a school established and operated by the Minister provides a secondary education program to students from the municipality in which the school is located and from outside that municipality and where, in the opinon of the Minister, there are a sufficient number of students from outside the municipality to warrant the establishment of a Board of Secondary Education, the Minister may, by order, establish a Board of Secondary Education to operate that school and to deliver a secondary education program in that school.

Education district

(2) A school named in the order establishing the Board is not in an education district.

Contents of order

(3) An order under subsection (1) shall include

(a) the name of the Board of Secondary Education;
(b) the name of the school that the Board of Secondary Education shall operate;
(c) the number of members who shall comprise the Board of Secondary Education which is not less than five and not more than nine;
(d) the date upon which the Board of Secondary Education is established;
(e) the date and place of the first meeting of the Board of Secondary Education; and

(f) such other matters as the Minister considers appropriate,
and the order may be amended by the Minister as he sees fit.

Powers of a Board of Secondary Education

53.29. (1) A Board of Secondary Education may

(a) adopt policies and procedures respecting the conduct of its business, the operation of the school and the delivery of the secondary education program;
(b) enter into agreements for the purpose of operating a school and delivering a secondary education program except any agreements to acquire or dispose of real property;
(c) authorize work-experience programs for students;
(d) acquire personal property, by gift, devise, lease or purchase;
(e) invest surplus funds of the Board in those classes of securities in which the Government of the Northwest Territories may invest pursuant to the Financial Administration Act;
(f) provide resources for extra-curricular student activities and athletic or sports programs;
(g) join and pay fees to education associations;
(h) furnish all students with textbooks and other supplies, either at no charge or at a price fixed by the Board;
(i) grant an employee in the school operated by the Board a leave of absence for educational purposes;
(j) pay correspondence course fees for students; and
(k) pay to each of its members an honorarium and an amount for expenses to attend meetings related to the business of the Board or to attend to any other business of the Board, as prescribed by regulation ; and
(l) establish and appoint committees and assign duties to the committees.
1989(1),c.7,s.15.

Duties of a Board of Secondary Education

(2) A Board of Secondary Education shall

(a) operate the school and deliver a secondary education program;
(b) subject to the approval of the Minister, determine the courses of instruction for the secondary education program;
(c) exercise general supervision and control over the education facilities of the school;
(d) admit all eligible students from the municipality in which the school is located and students that the Minister may assign from outside that municipality;
(e) prepare an administrative manual that includes the policies, procedures and by-laws of the Board respecting the conduct of its business, the operation of the school and the delivery of the secondary education program;
(f) require that all funds in the control of the Board be kept in a chartered bank to be paid out by cheques signed by the secretary-treasurer and the chairperson of the Board or any other member of the Board as the Board may designate;
(g) arrange for the bonding of the secretary-treasurer;
(h) prepare a statement of program objectives;
(i) prepare an annual estimate of its expenditures for the operation of the secondary education program and present the estimate to the Minister in the form and at the time required by him;

(j) keep a full and accurate record of the proceedings, transactions and financial affairs of the Board;

(k) advise the Minister on capital requirements of the secondary education program;

(l) provide the materials and equipment required to deliver the secondary education program and the maintenance of the equipment;

(m) regulate the use of the school;

(n) provide, within the resources allocated to the Board, a program of instruction for each student consistent with his education needs and abilities;

(o) authorize language and cultural programs and acitivites that will reflect the ethnic and cultural background of the students of the school;

(p) subject to this Act, provide a procedure for resolving a dispute between a student or a parent and the school;

(q) subject to sections 62, 63, and 64, prepare and submit to the Minister an academic calendar for the operation of the school;

(r) subject to sections 65, 66 and 67, establish the school day for the school;

(s) prepare or cause to be prepared statistical data, budgetary information and reports respecting the operation of the secondary education program, as may be required by the Minister, from time to time;

(t) provide interpreter services where necessary to assist in the proper conduct of meetings of the Board; and

(u) procure a corporate seal.

Staff

53.32. (1) Notwithstanding the Public Service Act, a Board of Secondary Education may appoint

(a) a Superintendent for the school operated by the Board, a secretary-treasurer and such other staff as the Board considers necessary for the proper conduct of the business of the Board;

(b) teachers and other staff in such numbers as the Board considers necessary to conduct a secondary education program; and

(c) a principal and such assistants to the principal and supervisors as the Board considers necessary for the operation of the school, all of whom shall be teachers.

Powers and duties

(2) The Board shall establish the powers and duties of the persons appointed under subsection (1), in addition to any powers and duties of those persons under this Act.

Public service employees

(3) A person appointed under subsection (1) is a member of the public service as defined in the Public Service Act.

Interpretation

(4) For greater certainty, the provisions of the Public Service Act, other than those respecting appointments, apply to persons appointed under subsection (1).

Contracting service

(5) A Board of Secondary Education may enter into an agreement for the services of a Superintendent, a secretary-treasurer or any other services that the Board of Secondary Education may require to conduct its business. 1987(1),c.2,s.8.

BOARDS OF EDUCATION

The Act says:

A Board of Education is the most independent education authority in the Act. It was first defined in the Schools Ordinance which was revised to be the Education Act in 1977. Like Boards of Education in southern Canada, Boards of Education in the N.W.T. hire and dismiss their own staff; negotiate their own collective agreements; own their own land, buildings and capital equipment; and receive only a portion of their funding from government. Seventy-five percent of the funding they require for the delivery of the school program is provided by the G.N.W.T.

The boards collect a school tax based on property assessments for the additional twenty-five percent. Boards determine the amount of money they need to collect in taxes, and the municipal government decides what the rate paid by taxpayers will be so that the total the Board needs is collected. Boards may borrow money by debenture or mortgage, and must carry insurance in case of liability.

There are two Boards of Education in the N.W.T.: the Public Board of Education for District #1 and the Separate Board of Education for District #2 in Yellowknife.

Boards of Education

Board of Education

23. Every Board of Education is a body corporate composed of seven elected members. 1985(1),c.4,s.9; 1987(1),c.21,s.127.

Transition

24. (1) Every school district and separate school district erected by order of the Commisioner, prior to the commencement of this Act, pursuant to section 28 of the *School Ordinance*, chapter S-3 of the *Revised Statutes 1974*, is continued under this Act as an education district and the Boards of Trustees of such districts are hereby constituted Boards of Education and Separate Boards of Education under this Act.

Assets and liabilities

(2) The assets and liabilities of every Board of Trustees shall devolve upon its successor Board of Education. 1985(1),c.4,s.9.

Petition

25. (1) Any fifty voters of an education district for which a community education society has been the local education authority for at least two years may petition the Minister to designate a Board of Education as the local education authority.

Date of presentation

(2) Every petition under subsection (1) shall be presented to the Minister at least four months before the next regular municipal election.

Meeting of ratepayers

(3) The Minister, upon receiving a petition described in subsection (1), shall instruct the Superintendent for the education district concerned to call a meeting of the ratepayers of the education district to determine whether the ratepayers favour the establishing of a Board of Education.

Notice

(4) Notice of a meeting called under subsection (3) shall be given as required by the regulations and the meeting shall be held and a poll of the ratepayers conducted in accordance with the regulations. 1985(2),c.3,s.4.

Notice to Minister

26. (1) Where the majority of the ratepayers favour the establishing of a Board of Education, the chairman of the meeting shall within five days send to the Minister the minutes of the meeting and such other forms and information as the Minister requires.

Establishment of a Board Education

(2) The Minister, upon receiving the minutes and information of mentioned in subsection (1) and upon being satisfied that the requirements of this Act and the regulations have been complied with, shall set a date upon which a Board of Education shall be designated the local education authority for the education district.

Duties of Board

37. Every Board of Education shall:

(a) procure a seal;
(b) receive reports on the operation of each school in the education district at least once each month;
(c) review education program plans reported to the Board by the principals and advise the Superintendent with respect to such plans;
(d) prepare an annual estimate of its revenue and expenditures for the operation and maintenance of the education programs for the education district;
(e) prepare an annual estimate of its revenue and expenditures for the provision of all capital items including land, buildings and equipment required for the education programs of the education district for the next financial year;
(f) present to the Minister, in the form and at the time required by the Minister, the financial estimates mentioned in paragraphs (d) and (e);
(g) receive annually such moneys as are appropriated by the Legislative Assembly of the Northwest Territories for the operation and maintenance of such education programs in the education district for the next fiscal year as are approved by the Minister;
(h) receive annually from the council of the municipality the sum of money determined at the meeting held pursuant to subsection 39(2);
(i) supervise and be responsible for the expenditure of all moneys necessary for the payment of the accounts of the Board according to the approved financial estimates;
(j) provide, maintain and furnish school buildings, and in consultation with the Director, prepare and execute plans for the construction and alteration of school buildings;
(k) recruit and appoint principals, teaching personnel and other staff for the education programs of the district;
(l) advise the Minister of the opinion of the Board with respect to opening and closing dates for the schools and observance of special holidays and related matters;
(m) have custody and safekeeping of all the education facilities in the district that are used for the education programs of the district, and maintain such premises in a satisfactory condition;
(n) settle all disputes arising in relation to an education program of the district between a student or his parent or guardian and the teaching personnel;
(o) permit, on such terms as the Board considers proper, the education facilities to be used for purposes other than education programs;
(p) provide instruction appropriate to their learning levels for all students in

the district, and ensure that the education programs are conducted in accordance with the provisions of this Act and the regulations;

(q) provide adequate library, audio-visual and other resource materials for the education programs in the district;

(r) furnish all students with text-books, exercise books, pens, pencils and all other approved supplies, either free of charge or at a price to be fixed by the Board;

(s) appoint a secretary and treasurer, or a secretary-treasurer, and pay such appointees according to a scale of salaries established by the Board, and arrange and pay for the bonding of the treasurer or secretary-treasurer, as the case may be. 1985(1),c.4,s.9,11; 1985(2),c.3,s.4.

Powers of Board

38. (1) Every Board of Education may

(a) employ a local Superintendent of Education to perform for the Board such duties otherwise carried out by the Superintendent for the education district as are approved by the Minister and the Board may prescribe additonal duties and responsibilities for a local Superintendent;

(b) provide for the payment of a pension to a teacher or other employee on retirement on account of age or disability;

(c) pay correspondence course fees in respect of students who are entitled to attend the schools of the district but for reasons satisfactory to the Superintendent are unable to do so, or for students who are in attendance at a school in the district but who require a course that is not provided in the school but is available by correspondence and that has the approval of the Superintendent;

(d) establish special classes of instruction for students who, for any physical or mental cause, are unable to take proper advantage of the regular school courses of study;

(e) provide equipment and supplies for a noon lunch or other food service for students and the necessary staff to operate such a program;

(f) provide equipment and facilities for school recreation, athletic or sports programs;

(g) provide a kindergarten program for children in the education district who are five years of age on or before the thirty-first day of December of the academic year in which the kindergarten program takes place;

(h) provide, subject to the approval of the council of the municipality, a system of school patrols whereby pupils may assist in the control of motor vehicle traffic on highways or elsewhere so far as such traffic may affect pupils going to or from school;

(i) employ such persons, in addition to teaching personnel, as may be considered necessary by the Board to ensure the efficient operation of the schools of the education district, and fix wages or remuneration;

(j) join and pay fees to an association of Boards of Education;

(k) where authorized by the Board by resolution passed at a regular or special meeting of the Board, pay to each of its members an honorarium and such expenses as its members may necessarily incur in carrying out their duties as members of the Board, as prescribed by regulation; 1988(2),c.6,s.5; 1989(1),c.7,s.9.

(l) establish and appoint committees and assign duties to the committees; 1989(1),c.7,s.9.

(2) A Board of Education may allow a teacher to take a leave of absence for educational purposes but no salary or grant shall be paid to a teacher on educational leave who does not pursue a course of studies approved by the Board. 1983(2nd),c.3,s.13; 1985(2),c.3,s.4.

Assessment and Taxation

Assessment and taxation

39. (1) Where a Board of Education has been designated as the local education authority, all assessable property, as defined in the Property Assessment and Taxation Act, within the education district that is liable to assessment and taxation for Territorial, municpal or local purposes under that Act, is liable to assessment and taxation for education purposes.

Budget meeting

(2) Every Board of Education shall, as soon as practicable after the assessment roll, first revision, has been prepared by the Director of Assessment under the Property Assessment and Taxation Act, call a meeting of the ratepayers of the education district to discuss the amount required to be raised by the education district for education purposes for the next academic year and other matters of interest and, when the meeting has been held, the Board shall determine the amount required and request it of

(a) the council of a municipal taxing authority, where the district is in a municipal taxation area; or

(b) the Minister of Finance, where the district is in the general taxation area. 1987(1),c.25,s.143.

Payment of property taxes

39.1 (1) A municpal taxing authority under the Property Assessment and Taxation Act shall pay to:

(a) the Collector of Taxes appointed under section 111 of the Property Assessment and Taxation Act, or

(b) a Board of Education

as the case may be, those property taxes collected by the municipal taxing authority that are attributable to the levy of the education mill rate under the Property Assessment and Taxation Act.

Idem

(2) The Collector of Taxes shall pay to a Board of Education those property taxes collected by him that are attributable to a levy of the education mill rate established pursuant to any requisition of a Board under section 39(2) of the Education Act.

Borrowing Powers

Borrowing powers

40. A Board of Education by resolution may authorize its chairman and treasurer to borrow such sum of money as may be required to meet the expenditures of the education district until such time as the taxes levied for the current year are available, and such loan shall be paid out of and shall be a first charge upon the taxes that are collected for the year in which the loan was

made, and may be secured by a promissory note signed by the chairman and treasurer on behalf of the Board.

Limits on authority to borrow

40.1 The authority of every Board of Education to borrow under this Act is subject to Part IX of the Financial Administration Act.
1987(1),c.16,s.123.

Debentures

41. (1) A Board of Education may pass a by-law to borrow money on the security of a debenture:

(a) for acquiring, extending or improving a school site or a site for staff housing or a building to be used for purposes of school administration;

(b) for acquiring, erecting, repairing, furnishing, equipping, moving or adding to a school building or staff housing or a building to be used for purposes of school administration;

(c) for purchasing buses for the conveyance of pupils; or

(d) for any or all such purposes.

SEPARATE BOARD OF EDUCATION

The Act Says:

A Separate Board of Education may be established, through a petition of 50 members of the Roman Catholic or Protestant religious faith, where a Public Board of Education already exists. Only taxpayers of the religious faith petitioning may decide whether or not a separate education district is to be established.

Once a Separate Board of Education is established, the Act is flexible about taxpayers declaring whether they will give their financial support to the public or separate board. The Act is also flexible about residents declaring support for either the public or separate board for voting purposes. It permits taxpayers to enrol their children in either the public or separate school district, no matter which district they support financially or vote for.

Separate Boards of Education

Separate education district

47. (1) The Protestant ratepayers or the Roman Catholic ratepayers of an education district may petition the Minister to establish a separate education district in the municipality.

Petition

(2) A petition for the establishment of a separate education district shall be in the form prescribed by regulation and shall be signed by fifty resident ratepayers of the religious faith indicated in the petition. 1985(2),c.3,s.4; 1985(3),c.7,s.12.

Meeting of ratepayers

48. (1) The Minister, upon receivng a petition described in section 47, shall instruct the Superintendent for the education district concerned to call a meeting of the ratepayers of the religious faith indicated on the petition to determine whether those ratepayers favour the establishment of a separate education district.

Establishment of a Separate Board

(4) Where the majority of the ratepayers in the district who are of the religious faith indicated on the petition vote in favour of the establishment of a separate education district, the Minister shall establish a separate education district having the same boundaries as the existing education district and shall set a date upon which a Separate Board of Education shall be designated as the local education authority for the separate education district.

Declarations

51. (2) Where a separate education district has been established,

(a) every assessed owner of taxable property, as defined in the Property Assessment and Taxation Act, shall record with the Director of Assessment a declaration setting forth whether he supports the public education district, the separate education district or both districts in the ratio indicated, and the assessor shall direct that all levies for education purposes be directed to the Board of Education or the Separate Board of Education according to the declarations of the owners, and

(b) every voter who is not a ratepayer shall record with the returning officer a declaration setting force whether he is a supporter of the public education district or the separate education district.

Admission of students

53. (1) Every Board of Education or Separate Board of Education shall admit to its schools without charge any child whose parent or guardian is a resident of that district.

Residence

(2) For the purpose of this section,

(a) a person who is resident within an education district and who, on the first day of an academic year is recorded as a supporter of the public education district, shall be deemed not to be a resident of the separate education district for that academic year, and

(b) a person who is resident within a separate education district and who, on the first day of an academic year is recorded as a supporter of the separate education district, shall be deemed not to be a resident of the public education district for that academic year.

WHAT DO YOU THINK?

4. *Should all the present structures for governing education (committees, societies, boards, divisional boards, councils, and boards of secondary education) be kept in the Act?*
5. *Should there be additional structures for governing education?*
6. *Does the Act give education authorities enough control over the delivery of education at the local level? If you believe that the responsibilities of education authorities should be changed, identify what responsibilities they should have.*
7. *Should the relationship between local education authorities and band councils, community governments, and other community or regional agencies be strengthened?*
8. *Should other agencies have guaranteed representation on LEAs? Should they have a say in education?*
9. *Should LEAs be appointed/elected by community governments or band councils, rather than being elected by community residents specifically to manage education?*
10. *Are you satisfied with the procedures required for elections in the Local Authorities Elections Act? If not, what do you think should be changed?*
11. *Should the administrative or financial procedures required for education authorities to conduct business, hold meetings, and so on, provided in the Education Act be changed? What should be changed?*

PART 3: CONDUCT OF SCHOOLS

This part of the Act includes sections on:
- language of instruction,
- recognition of ethnic and cultural values,
- religious education,
- academic year, and
- maintenance of educational standards.

LANGUAGE OF INSTRUCTION

The Act says:

The Special Committee on Education recommended that each education authority determine the language to be used in its classrooms, and consider making the local aboriginal language the working language of the school. No changes were made to the Act in response to this recommendation.

The Act says that a local education authority, or a Divisional Board of Education, will decide on the language of instruction for kindergarten and grades 1 and 2. For all other grades the Minister, in consultation with the education authority, will decide on the language of instruction.

This makes it possible for an education authority to choose a language other than English. However, the Act does not list the languages from which to choose. The Act does say that if the language of instruction in kindergarten and grades 1 and 2 is not English, then English must be taught as a second language. If English is chosen as the language of instruction in these grades, but is not the first language of the majority of the students, the first language of the majority of students must be taught as a second language. The Act also says that instruction must be provided in English for students whose first language is English.

For grades higher than grade 2, if the Minister decides on a language of instruction which is not the first language of most of the students, the education authority may arrange for the teaching of the language of the majority.

Since this section of the Act was written the Canadian Charter of Rights and Freedoms became law, and the N.W.T. Official Languages Act was approved. The Official Languages Act recognizes Chipewyan, Cree, Dogrib, English, French, Gwich'in, Inuktitut (including Inuvialuktun and Inuinnaqtun) and Slavey (including North Slavey and South Slavey) as the official languages of the N.W.T. Also, as a result of the recommendations of the Legislative Assembly's Special Committee on Aboriginal Languages, the Minister of Education has been directed to table recommendations to change the language section of the Education Act in the Fall Session of the Assembly, 1990.

Pamphlets have been sent to all education authorities and agencies asking for their advice by September, 1990, on this section of the Act. With this advice the Minister of Education will develop recommendations on the language of instruction in schools to be discussed by the Assembly.

Once the recommendations are discussed there will be more opportunities for agencies to consult on this important issue. Changes to the language section of the Act may be presented during the Spring Session of the Assembly, 1991, for further comments.

Here are the questions included in the pamphlet on the language section the Department of Education asked earlier this year.

WHAT DO YOU THINK?

12. *a) Section 23 of the Canadian Charter of Rights and Freedoms provides French and English minority language education rights to eligible Canadians.*

    "Wherever in the province the number of children of citizens who have such a right is sufficient to warrant the provision (of those rights) to them out of public funds ...".

    Do you agree that it is reasonable to deliver the school program in English or French, or in any of the other official languages of the N.W.T., only where there is a reasonable demand for that service in a community?

    b) What number of students could be considered a reasonable demand for school instruction in an official language?

    c) Should that number be for students in one grade, or students across several grades?

    d) If, in your opinion, the number should include students across several grades, what grades should they be, and should these grades be consecutive? Please explain.

13. *Should instruction in an official language begin in the primary grades, or be introduced at any grade level? For example, if instruction in Slavey is introduced in a school should it be introduced in kindergarten and grades 1, 2 and 3 before it is introduced in grades 4, 5 and 6?*

14. *Culture and language heritage, or mother tongue, of parents or guardians could be considered to determine which languages parents or guardians could request for the school instruction of their children. Do you agree with this suggestion?*

15. *The language of school instruction could be determined by the cultural region of the community. Do you agree?*

16. *Do you think there should be other criteria determining when a child could receive school instruction in an official language? Please explain.*

17. *Do you expect students graduating from the N.W.T. school system to be fluent in one or more of the official languages of the Northwest Territories? Which official languages should they be fluent in?*

Language of Instruction

Language of instruction

54. (1) The local education authority or the Divisional Board of Education, as the case may be, shall prescribe the language of instruction to be used for kindergarten in schools in the education district or education division, as the case may be, where a kindergarten program is offered, and for the first two years of the school program following kindergarten.

Idem

(2) Where a language other than English is prescribed as the language of instruction under subsection (1)

(a) English shall be taught as a second language, and

(b) instruction shall be provided in English for students whose first language is English.

Idem

(3) Where English is prescribed as the language of instruction under subsection (1) but is not the first language of the majority of students, the first language of the majority of the students shall be taught as a second language. 1983(2nd),c.3,s.15.

Language

55. (1) The Minister shall prescribe, after consultation with the local education authority or the Divisional Board of Education, as the case may be, the language of instruction in schools in the education district or education division, as the case may be, for the years following completion of the first two years of the school program.

Idem

(2) Where the language prescribed under subsection (1) is a language other than the first langauge of the majority of students in a class, the local education authority or the Divisional Board of Education, as the case may be, may arrange for the teaching of that first language.

Transition to other language

(3) Students whose language of instruction is changed shall be assisted in making the transition to the second language. 1983(2nd),c.3,s.16,17; 1985(2),c.3,s.4.

Teaching of languages

56. (1) The Superintendent for a district may, with the approval of the local education authority, make such special arrangements for the teaching of languages as he considers appropriate.

Idem

(2) Subsection (1) does not apply to a Superintendent for an education division or a Superintendent for a school operated by a Board of Secondary Education. 1983(2nd),c.3,s.18; 1987(1),c.2,s.9.

RECOGNITION OF ETHNIC AND CULTURAL VALUES

The Act says:

The Education Act says that the principal of the school will be guided by the education authority when planning school programs to make sure that programs reflect the ethnic and cultural values of the community. It says that teachers will use aspects of local culture in programs, teaching methods and learning materials. The Act also says that, whenever possible, the teaching staff should represent the cultures of the people in the community. For example, if half of the people in a community are Inuit, and half are non-aboriginal, then, wherever possible, half of the teachers should be Inuit and half non-aboriginal.

The intention of this part of the Act is to deliver a school program which represents the culture of community residents. This section of the Act strongly reflects one of the goals introduced at the beginning of this paper, which is to encourage people to be proud of their own culture and to appreciate the cultures of other people in the Northwest Territories.

The Northwest Territories is the only territory in Canada where aboriginal people are the majority of the population. Aboriginal languages and cultures in the N.W.T. are the living languages and cultures of many communities. It is important that schools recognize and support aboriginal languages and cultures by making them a part of the educational system. It is also important that the ethnic and cultural values of the English and French residents of the N.W.T. be reflected in schools as well.

WHAT DO YOU THINK?

18. *Education authorities are responsible to guide the principal in the planning of school programs so that they reflect the cultures of the community. They also are responsible to organize school programs which may include material from the cultures and life-styles of the residents of the community. Teachers are responsible for using local materials in school programs.*

    Do you agree with this way of recognizing ethnic and cultural values in schools? Is there a better way? Should this section of the Act be changed?

19. *Teachers are responsible for using local materials in school programs. The teaching staff of the school, wherever possible, is supposed to reflect the cultural makeup of the community.*

    Do you agree with this way of recognizing ethnic and cultural values in schools? Is there a better way? Should this section of the Act be changed?

20. *Should official cultures be defined to correspond to the official languages of the Northwest Territories: Chipewyan, Cree, Dogrib, English, French, Gwich'in Inuktitut (including Inuvialuktun and Inuinnaqtun) and Slavey (including North and South Slavey)?*

Recognition of Ethnic and Culture Variations

Ethnic variation

57. (1) In planning the school program for an education district, the school principals of the district and the Superintendent for that district or for the education division, as the case may be, shall be guided by the wishes of the voters of the district as expressed by the local education authority or the community education council, as the case may be.

Local culture

(2) The school staff shall utilize aspects of the local cultures in the curriculum, curriculum material and teaching methods of the schools, and the principal shall consult with and be guided by the local education authority or community education council, as the case may be, in planning such utilization. 1983(2nd),c.3,s.19.

Teaching staff

58. The persons responsible for selecting professional and non-professional staff for the education system of the Territories shall endeavour to achieve and maintain in the staff in every education district a representation of ethnic and cultural backgrounds that reflects the ethnic and cultural variation of the population of the district, to the extent that qualified personnel are available.

Non-Professional workers

59. A community education committee or society may include amounts in its budget proposals for the payment of non-professional workers in parts of the school program that relate to the culture, language or life style of the local people and that are unfamiliar to the professional teachers in the schools of the district.

RELIGIOUS EDUCATION

The Act says:

The Act provides for two types of Boards of Education in the N.W.T., public boards and separate boards to represent people of a religious faith (Roman Catholic or Protestant). A separate board may be established in a district where a public board already exists. As a result, only Yellowknife has a separate board. This board represents people of the Roman Catholic faith.

The Act says that in any school local education authorities may direct that the school day begin with the Lord's Prayer. However, if students have a note from their parents or guardians, they can be excused from reciting the prayer.

In any public school in the N.W.T. if at least half of the students enrolled in school, or the parents of half of the students enrolled in school, represent one religious faith, they can ask the principal of that school for religious education. The principal must see that religious education is provided. However, religious education can not take up more than two and one-half hours of regular class time during the school week. If students bring a note from their parents or guardians, they do not have to take religious education classes. If students are excused, they will have a study period supervised by a teacher during that time. Also no teacher in a public school can be required to teach religious education classes.

In the provinces of Canada religious education laws have been challenged in court and, as a result, they have been changed or deleted. The religious education section of the N.W.T. Education Act will have to be measured against the rights of Canadians defined in the Charter.

WHAT DO YOU THINK?

21. *Should public schools provide opportunities for religious education?*
22. *If you agree that public schools may provide religious education, what responsibility should the education authority, parents, students and the school staff have in deciding if religious education should be offered? Who should deliver religious education if people agree that it should be offered?*

Religious Education

Lord's Prayer

60. The local education authority, the community education council or the Board of Secondary Education, as the case may be, may direct that the school day of schools within the education district or a school operated by a Board of Secondary Education be commenced with a recitation of the Lord's Prayer, but any student who presents a written statement from his parent or guardian may be excused from class during the recitation. 1983(2nd),c.2,s.20; 1987(1),c.2,s.10.

Religious education

61. (1) Subject to the provisions of this section, religious education may be given during periods not exceeding one hundred and fifty minutes in any week.

Request for religious education

(2) Where at least fifty per cent of the students or parents of students of the same religious denomination present the principal with a request that they have religious education in the school, the principal shall organize and schedule a program of religious education.

Student may be excused

(3) Any student who presents a written request from his parent or guardian that he be excused from a class when religious education is given shall be excused from class.

Where student excused

(4) A program of regular school study that is supervised by a teacher shall be provided for all students excused from a class when religious education is being given.

Teacher may be excused

(5) No teacher shall be required to provide religious education.

Exception

(6) Subsections (2), (3), (4) and (5) do not apply to schools in a separate education district.

ACADEMIC YEAR

The Act says:

The Education Act provides a great deal of freedom for education authorities to adjust the time students spend in school during the day, and the total length of time students spend attending school during the year.

The Act states that the school year will have 190 days when teaching will take place. Following a request from an education authority, the Minister of Education may reduce the number of days in a school year, but the school year must be at least 170 days long. As students sometimes are excused from classes during the school year so that they may take part in family trips on the land to practice traditional skills, their actual school year may in practice be shorter than the 170 to 190 days stated in the Education Act.

Nine statutory holidays are named in the Act. As well, an education authority can pick two extra days each year as holidays to celebrate local events, but these extra holidays cannot both be in the same month.

For grades 1 to 6, the school day must be between five hours and five and one-half hours long. This does not include the time for the lunch break and two recesses, both of which are required by the Act. For grades 7 to 12, the school day must be between five and one-quarter and five and three-quarter hours long. This also does not include the lunch break.

If an education authority, like a Community Education Council, requests it, the times for opening and closing school each day, the length of recess and lunch breaks and the length of the school day can be changed.

WHAT DO YOU THINK?

23. *Is the range of school days from 170 to 190 an appropriate range? Should there be as much choice in the length of the school year? Should the school year be longer or shorter?*
24. *Should the education authority elected by community residents choose the length of the year for the schools in their community? Should a divisional board have the authority to standardize the length of the school year for the schools in the communities in the division?*
25. *Should students be excused from attending classes to take part in traditional or religious activities with their families? If they should, how long should they be excused for these activities in one year?*
26. *Is the length of the school day appropriate?*

Academic Year

Minimum school days

62. (1) Schools shall be in session a minimum of one hundred and ninety days in each academic year.

Exception

(2) Notwithstanding subsection (1) and subsection 64(1), at the request of the local education authority in an education district, a Divisional Board of Education or a Board of Secondary Education, as the case may be, the Minister may declare that, for any academic year, the minimum number of days that schools within the education district, the education division or the school operated by the Board of Secondary Education, as the case may be, shall be in session, shall be not less than one hundred and seventy days. 1982(2nd),c.1,s.1; 1983(2nd),c.3,s.21; 1985(2),c.3,s.4; 1987(1),c.2,s.11.

Holidays

63. (1) Schools shall be closed on all Sundays and on the following holidays:

(a) New Year's Day;
(b) Good Friday;
(c) Easter Monday;
(d) Dominion Day;
(e) Labour Day;
(f) Thanksgiving Day;
(g) Remembrance Day;
(h) Christmas Day;
(i) the day fixed by the Governor-General for observance of the birthday of the reigning sovereign.

Local holiday

(2) A local education authority or, subject to the prior approval of the Divisional Board of Education, a community education council, or a Board of Secondary Education, as the case may be, may declare that the schools in the education district or the school operated by the Board of Education shall be closed for the observance of a holiday for a local purpose, but such holiday shall not exceed one day in any month and two days in an academic year. 1983(2nd),c.3,s.22; 1987(1),c.2,s.12

Academic calendar

64. (1) The Minister shall cause to be published each year, on or before the thirtieth day of April, a calendar for the academic year commencing on the first day of July of that year, setting forth the dates of school opening, school closing and vacations for all schools.

Consultation

(2) In preparing the calendar for the academic year, the Minister shall consult with the local education authorities, the Divisional Boards of Education and the Boards of Secondary Education, and shall satisfy himself that the dates established for the varioius education districts, education divisions, education districts within an education division or schools operated by the Boards of Secondary Education meet the special needs of and make allowance for the life-styles of the people of each education district, education division or the places served by the schools operated by the Boards of Secondary Education, as the case may be. 1983(2nd),c.3,s.23; 1985(2),c.3,s.4; 1987(1),c.2,s.13.

School day

65. (1) Subject to subsection (2), a school day shall consist of a minimum of five hours and a maximum of five and one-half hours for students during their first six years in school and a minimum of five and one-quarter hours and a maximum of five and three-quarter hours after the sixth year.

Altering the length of school day

(2) The Minister, upon the recommendation of a local education authority, a Divisional Board of Education or a Board of Secondary Education, as the case may be, may alter the minimum and maximum hours set forth in subsection (1) for that education district, education division, education district within an education division or school operated by the Board of Secondary Education, as the case may be.

Exceptions

(3) The minimum and maximum hours set forth in subsection (1) do not include recess and lunch periods. 1981(3rd),c.4,s.2; 1983(2nd),c.3,s.24; 1985(2),c.3,s.4; 1987(1),c.2,s.14.

Recess

66. (1) There shall be recess periods during the morning and afternoon sessions and a lunch period each school day in all elementary schools, none of which shall be used for instructional purposes except on a voluntary basis.

Lunch period

(2) There shall be a lunch period each school day in every secondary school that shall not be utilized for instructional purposes except on a voluntary basis.

Opening and closing times

67. Subject to the provisions of this Act, times for the opening and closing of school each day, the recess periods and the lunch periods,

(a) for a school in an education district, shall be established by the local education authority or the community education council, as the case may be; and

(b) for a school operated by a Board of Secondary Education, shall be established by the Board of Secondary Education. 1983(2nd),c.3,s.25; 1985(1),c.4,s.9; 1987(1),c.2,s.15.

MAINTENANCE OF EDUCATIONAL STANDARDS

The Act says:

The Education Act says that all the necessary steps will be taken to make sure that the programs taught in N.W.T. schools have high educational standards. Under the section describing the Minister's powers it says that the Minister is responsible to authorize education programs.

Standards are a concern of parents, education authorities, and the Department of Education. Education Acts in the provinces and Yukon also talk about standards. In Alberta the School Act says that Minister must approve the program of studies and the Act includes regulations on student evaluation.

There are ways of maintaining standards at each level of the education system. The Minister is responsible for approving the education program, and taking steps to monitor and evaluate the program. Some ways of monitoring and evaluating the school program are providing for student testing, providing directives on evaluating the operation of boards and guiding school reviews.

Boards are responsible for school reviews. Superintendents and Directors are responsible to evaluate teachers and to monitor the delivery of education. All of these ways of maintaining educational standards are provided for by the Act now through the broad statements made on standards.

WHAT DO YOU THINK?

27. Do you think that the Act should include some more detail on maintaining standards, such as regulations on evaluation?

Maintenance of Educational Standards

Educational standards

68. The Minister shall satisfy himself by whatever means he considers necessary that education programs undertaken by students in the Territories are at all times of the highest possible standard. 1985(2),c.3,s.4.

PART 4:
SUPPLEMENTARY EDUCATION PROGRAMS

KINDERGARTEN

The Act says:

According to the Act the education system will include kindergarten, but it is not necessary for every elementary school to offer kindergarten. It is also not required for children to go to kindergarten if their parents or guardians decide not to send them. All kindergarten classes must be taught by a teacher with a teacher's certificate, or by someone supervised by a certified teacher.

Children who enter kindergarten in September have to be five years old by the end of December. No child can attend kindergarten for more than three hours a day.

WHAT DO YOU THINK?

28. Should kindergarten be required in every school?

29. Should all children be required to attend kindergarten? Or should parents and guardians have the right to choose whether to send a child to kindergarten?

30. Should kindergarten be taught only by a certified teacher?

31. The Act allows children to enter kindergarten in September. Should children be allowed to enter kindergarten in January if they will be five by the end of that school year?

32. The Special Committee on Education recommended that children should be allowed to enter kindergarten at four years of age. Should children be allowed to enter kindergarten in September if they are four years old by the end of December?

33. Should the hours set for kindergarten classes be changed?

Kindergarten

Kindergarten — **69.** (1) The education system of the Territories shall include a kindergarten program.

Idem — (2) Subject to the approval of the Minister, a Superintendent may include a kindergarten program in any school in his Superintendency.

Eligibility for enrollment — (3) A child, in order to be eligible to be enrolled in a kindergarten program, shall be five years of age on or before the thirty-first day of December of the academic year in which the kindergarten program takes place. 1983(2nd),c.3,s.26; 1985(2),c.3,s.4.

Kindergarten teachers — **70.** All kindergarten programs shall be taught by a teacher or by a person who is acting under the direction of a teacher.

Attendance — **71.** Kindergarten programs shall operate so that no child in the program is in attendance more than three hours of any regular school day.

SPECIAL EDUCATION

The Act says:

The Education Act provides for special education programs to benefit students with identified special needs. The education authority must approve all special education programs, and, where it is practical, such programs must be provided in the school the student would normally attend. If this is not possible, The Act says that a program can be organized in a special school for the benefit of students with special needs. The Act also provides for residences and other facilities so that children may attend such special schools.

However, if students with identified special needs cannot be satisfactorily served in the regular school in their home community, or in a special school in the Northwest Territories, the students' parents can ask the Minister of Education to send them to a special school outside the N.W.T. The Minister of Education will act on the advice of the Superintendent or Director of the student's school district to decide on such requests. Also, if a student attends a school outside the N.W.T, it will be at no cost to that student, the parents or guardians.

This section of the Education Act is not consistent with the Canadian Charter of Rights and Freedoms, and it contradicts the philosophy and objectives of the present N.W.T. special needs education program. This program was developed following the recommendations of the Special Committee on Education, but the Act has not yet been changed.

The Special Committee emphasized this area of education and made a number of recommendations:

- Written plans or individual programs shall be developed for all students who have special needs.
- Funding for students with special needs shall be allocated according to their individual program plans.
- Services for children with special needs should be provided in their own communities.
- Students with special needs shall be integrated into regular classrooms, not segregated.
- Local schools shall be legally authorized to deliver and coordinate all services for students with special needs.
- Programs for the professional development of people who serve students with special needs shall be based on local requirements.
- The Education Act shall be amended to guarantee the right of all children to an effective learning program.

WHAT DO YOU THINK?

34. The Act does not mention a student's right to an education. Do you agree that this right should be included in the Education Act?

35. Individual education plans for each student with special needs now must have the written approval of the parent(s) or guardian(s) of the student.

Do you agree that the Act should provide procedures for parents who are unhappy with the education plan developed for their child, or who feel their child should have an individual education plan and did not get one, to appeal and ask for better service?

Special Education

Special education programs

72. (1) The Minister shall establish programs of special education designed to provide assistance to students who are unable or unlikely to be served to advantage by the regular education program.

Approval

(2) No special education program shall be established or operated

(a) for an education district or an education division, without the approval of the local education authority or the Divisional Board of Education, as the case may be; and

(b) for a school operated by a Board of Secondary Education, without the approval of the Board of Secondary Education. 1983(2),c.3,s.27; 1985(2),c.3,s.4; 1985(3),c.7,s.13; 1987(1),c.2,s.16.

Attendance

73. (1) Where a special education program is operated, a student participating in the program shall remain in the school he normally would attend wherever such arrangement is practical.

Special school

(2) Where it is not practical or educationally effective to provide a special education program in a regular school, the Minister may organize a program in a special school designed to provide the special program required, and students may attend such a school upon authorization by the Minister.

Residence facilities

(3) The Minister may authorize the operation of residence facilities for students wishing to attend a special school or special program established under section 72 or this section and may transport such students to such a school without cost to the student. 1985(2),c.3,s.4.

Special school outside Territories

74. Where it is not practical or educationally effective to provide, in a regular school or a special school within the Territories, a special education program for a student requiring such services, the Minister, acting on the advice of the Superintendent for the school where the student attends school and at the request of the parent or guardian, may arrange for a student to attend, at no cost to the student, a special school or institution outside the Territories where the type of special program required is available. 1983(2nd),c.3,s.28; 1985(2),c.3,s.4; 1985(1),c.2,s.17.

VOCATIONAL EDUCATION, LOCAL STUDY PROGRAMS AND UNIVERSITIES

The Act says:

Arctic College is responsible for vocational training and evening study classes for students who are not enrolled in the kindergarten to grade 12 school system, and are 17 years of age or over. The college may contract with an education authority to deliver a vocational education program. The college still uses education authorities to provide direction for adult education programs offered in communities. However, vocational education continues to be offered as an optional course in high school.

Local study programs in this section of the Act do not necessarily refer to local cultural programs. They are any program of study offered locally. The Act says that education authorities are responsible for providing programs of study on any subject. The intention in this section is that education authorities would be responsible for local adult/vocational programs.

The Act also says that no university can be set up in the Northwest Territories without the agreement of the Commissioner.

WHAT DO YOU THINK?

36. *Through the Arctic College Act the Arctic College is responsible for the delivery of adult education. Do you agree that the sections on vocational or adult education should be removed from the Education Act?*

37. *Other jurisdictions have Universities and Colleges Acts. Do you agree that the statement on the establishment of universities should be removed from the Education Act?*

Vocational Education

Vocational courses

75. The Minister, in co-operation with the Superintendents, the local education authorities, the Divisional Boards of Education and the Boards of Secondary Education, shall establish, where feasible, vocational courses to meet the needs from time to time of the residents of the Territories. 1983(2nd),c.3,s.29; 1985(2),c.3,s.4; 1987(1),c.2,s.18.

Eligibility for vocational program

76. Any person who is seventeen years of age or over and has been resident in the Territories for at least two years is eligible to make application for admission to an adult or vocational program.

Tuition fees

77. (1) The Minister may establish a tuition fee for any vocational education program but no fee shall be charged for any course established pursuant to section 75 designed to establish basic literacy for participants.

Allowances

(2) There shall be a scale of allowances prescribed by regulation for vocational students and the Minister, in accordance with the regulations, shall decide the eligibility of adult education students for allowances. 1985(2),c.3,s.4.

Agreements

78. The Commissioner may enter into agreements in respect of technical and vocational education with Her Majesty in right of Canada.

Local Study Programs

Local study programs

79. A local education authority or a Divisional Board of Education may establish programs of study on any subject and may employ teachers or other instructors for such programs and determine the fees payable by persons enrolled in the programs. 1983(2nd),c.3,s.30.

Universities

University

82. No university or degree-granting institution, by whatever name, nor any institution purporting to be a university or purporting to grant degrees, shall be established or created in the Territories except under the express authority of an Act of the Northwest Territories; and no institution shall be operated as a university in the Territories without the written authorization of the Commissioner. 1985(1),c.4,s.9.

PRIVATE SCHOOLS

The Act says:

In a number of recent court cases in Canada, courts have decided that parents have the right to choose how their children's education program will be delivered. As a result, education laws in Canada are being changed to provide for alternative schools.

The N.W.T. Education Act says that private elementary and high schools can be set up in the N.W.T. However, no one is allowed to operate private schools without the permission of the Minister of Education and they must report to the Minister of Education on how many students and staff members they have, which courses they are offering, and other matters.

Private schools must be inspected by officers appointed by the Minister of Education, and these officers can examine the school itself, all school-related papers, and the work of the teachers. The teachers in such schools must be certified, or have their qualifications approved by the Minister.

WHAT DO YOU THINK?

38. Do you agree with the requirements contained in the Act on private schools?

39. The Act does not specify how private schools are funded. Should they be funded in whole or in part by the Government of the Northwest Territories? Should parents pay a fee so that their children may attend a private school?

40. The Act does not directly talk about home schooling. However, in the section on the compulsory attendance of students the Superintendent can approve of the non-attendance of a student where the Superintendent agrees that the student is receiving a proper education.

To make sure that students who are taught at home are receiving a quality education what requirements on home schooling should the Act include? For example, should parents or guardians providing the home schooling be certified teachers?

Private Schools

Private schools

80. In sections 81 and 82, "private school" means a school other than a school operated by the Minister, a local education authority, a Divisonal Board of Education or a Board of Secondary Education, where instruction in any of the subjects of the elementary or secondary school education program is provided for ten or more students between the ages of six and fifteen years at any time between the hours of 9:00 a.m. and 4:00 p.m. on days other than school holidays. 1983(2nd),c.3,s.31; 1985(2),c.3,s.4; 1987(1),c.2,s.19.

Prohibition

81. (1) No person shall operate a private school in the Territories unless authorized by the Minister

Where private school authorized

(2) Where the Minister has authorized the operation of a private school he shall

(a) require that the principal or person in charge of the private school report to the Director on enrollment, staff, courses of study and other matters in respect of the school,

(b) direct that an employee of his department inspect the school, in which case the inspecting officer is authorized to enter the school at all reasonable hours and to inspect the premises and all books and documents related to the school, and

(c) require the Director to provide for the inspection of the work of every teacher, and ensure that a satisfactory standard of instruction is maintained. 1985(2),c.3,s.4.

PART 5: TEACHERS

The Act discusses teachers' certificates and qualifications, their employment and the ways of settling disagreements between teachers and their employers. It also sets out the duties and responsibilities of teachers and classroom assistants.

TEACHERS' QUALIFICATIONS AND CERTIFICATES

The Act says:

The Act says only teachers with N.W.T. Teacher Certificates can teach in N.W.T. schools. Exceptions to this may be made for substitute teachers who teach for not more than 20 teaching days in a row when no certified teacher is available, adult educators, instructors in job training programs and people hired to teach local study programs.

After teachers have completed their teacher training and have demonstrated over a two-year period that their performance is satisfactory in the classroom, they receive a professional or standard N.W.T. Teacher's Certificate. Teachers who have received this certificate, are not required to take further courses or training to remain certified, although in-service training workshops and opportunities for professional improvement are made available. However, teachers have a duty in the Act to improve their professional skills.

Since the Act was introduced changes have been made to the section on teacher certification. In 1988 the authority to suspend or cancel teaching certificates was included in the Act.

WHAT DO YOU THINK?

41. *Do current training programs for teachers offered in the N.W.T. prepare them to be well-qualified teachers? Do current opportunities for in-service or professional development meet the needs of teachers and schools?*

42. *Should teaching certificates be issued on completion of the required training and experience, or should a system to renew teaching certificates every five, or ten years be considered? If you believe that a system to renew certificates should be introduced, what should be included as conditions for the renewal of a teaching certificate? For example, should cross-cultural training be required for teachers to be certified?*

Teachers
Qualifications and Certificates

Employment of teachers

83. (1) No person shall be employed as a teacher in the education system of the Territories unless he holds a certificate of qualification to teach issued in accordance with this Act and the regulations. 1988(2),c.6,s.10; 1989(1),c.7,s.17.

Exceptions

(2) Subsection (1) does not apply to

(a) a person employed to teach for not more than twenty consecutive teaching days where no teacher is available;
(b) adult educators or persons employed to teach a local study program under section 79; or
(c) an instructor in a vocational program.

83.1. (1) A teacher whose certificate of qualification is cancelled or suspended may apeal the decision to the Minister in accordance with the regulations.

(2) The Minister shall review the record of the committee which heard the complaint and the Minister may require additional evidence before making a decision on the appeal.

(3) The Minister shall confirm, vary or set aside the decision under appeal.

(4) The Minister shall give written reasons for the decision and give the appellant a copy of the decision.

(5) The decision of the Minister is final. 1988(2),c.6,s.11.

EMPLOYMENT

The Act says:

The Act does not distinguish between teachers who are employees of the Government of the Northwest Territories and those who are employees of Boards of Education. In fact, most teachers in the Northwest Territories are G.N.W.T. employees. Both types of teachers are regulated by the Education Act for some employment matters, and by their employment agreements for others.

The Public Service Act is the law which determines employment matters for all public servants. As a result, teachers who are G.N.W.T. employees must look to two Acts on employment matters, as well as their Collective Agreement between the Government of the Northwest Territories and the Northwest Territories Teachers' Association.

Teachers' Contracts of Employment

Teachers' contracts

84. Subject to section 85, a contract of employment of a teacher to which this Act applies continues in force from academic year to academic year and, unless terminated by mutal consent, by dismissal for cause or dismissal for incompetence, may be terminated only at the end of an academic year by notice in writing delivered by one party to the other or sent by registered mail at least thirty days before the day set as the closing day of school in which the teacher is employed, or on the 30th day of April, whichever date first occurs. 1985(1),c.4,s.9; 1987(1),c.2,s.20.

Dismissal

85. (1) A teacher may be dismissed for cause or for incompetence at any time in a manner prescribed by regulation.

Termination of contract

(2) Where a teacher has been employed as a teacher for less than two consecutive years, the employer of the teacher may terminate the contract of that teacher in accordance with section 84.

Idem

(3) Where a teacher has been employed as a teacher by one employer for two consecutive years or more, that employer shall not terminate the contract of that teacher except for cause or incompetence.

Idem

(4) Notwithstanding any contract of employment or provision of this Act, where the number of teachers required in an education district or school operated by a Board of Secondary Education is decreased, the employer may terminate the contract of any teacher by giving notice in writing as required by section 84.

Other employment

(5) The Director shall attempt to locate a teaching position for a teacher whose contract is terminated under subsection (4).

Written reason for dismissal

(6) Where a teacher is dismissed or his contract is terminated, the employer shall give the teacher written reason for the dismissal or termination.
1985(1),c.4,s.9; 1987(1),c.2,s.21.

Suspension

86. (1) Where, in the opinion of a Superintendent, there may exist grounds for the dismissal of a teacher, the Superintendent

(a) may suspend that teacher from his position while an investigation is carried out, and

(b) shall without delay notify the Minister and the local education authority, the Divisional Board of Education, the community education council or the Board of Secondary Education, as the case may be, of the suspension.

Idem

(1.1) In this section, "Superintendent" includes the Superintendent for an education division or for a school operated by a Board of Secondary Education.

Dismissal or reinstatement

(2) Within ten days after a teacher has been suspended under subsection (1), the employer shall

(a) dismiss the teacher, or

(b) cancel the suspension and reinstate the teacher.

Suspension with pay

(3) Where a teacher has been suspended under this section, the employer shall continue to pay the teacher's salary for the period of the suspension.
1983(2nd),c.3,s.32; 1985(2),c.3,s.4; 1987(1),c.2,s.22,s.23.

SETTLING EMPLOYMENT DISAGREEMENTS

The Act says:

Teachers experiencing employment disagreements have a number options to consider. All teachers in the N.W.T. belong to the N.W.T. Teachers' Association. This association, which is a professional organization, bargains on behalf of the teachers who belong to their association with teachers' employers on matters such as salary, benefits and working conditions. A collective agreement is signed by the association and the employer.

One option for settling employment disagreements provided to teachers through the collective agreement is for them to submit a grievance to their employer. The agreement identifies which employment matters are rights that may be resolved through arbitration and which employment matters will be resolved by the third and last grievance level identified by the employer. This level is represented by the Minister of Personnel in the G.N.W.T.

If the disagreement goes to arbitration, an arbitrator listens to both sides and then makes a decision. The decision of the arbitrator is final, and neither side can appeal it.

The Act also provides for a three-member Board of Reference as another way to settle employment disagreements. The teacher who has the complaint chooses one person, the employer chooses one person, and both the teacher and the employer agree on the chairperson. Generally, teachers ask for a Board of Reference when they have been dismissed, and they want to appeal. The decision of the Board of Reference is final.

Another option available to teachers who are employees of the Government of the Northwest Territories for settling employment disagreements is to appeal to the Minister of Personnel. The decision of the Minister of Personnel in this case is final.

WHAT DO YOU THINK?

43. *Are the sections which deal with employment matters in the Act adequate? If not, how can they be improved?*
44. *Should the Education Act and the Public Service Act be coordinated so that teachers who are public servants have one set of rules to go by concerning employment matters?*
45. *Should strikes or lockouts for teachers be allowed?*
46. *Is a Board of Reference the most appropriate method to determine whether or not a teacher should have been dismissed? What should the role of the education authority be in the dismissal of a teacher?*

Board of Reference

Board of reference

87. (1) A teacher who is dismissed for cause or for incompetence may in the manner and within the time prescribed by regulation appeal the dismissal to a board of refernence.

Members

(2) A board of reference shall consist of

(a) a nominee of the teacher;
(b) a nominee of the employer; and
(c) a chairman to be appointed by the two nominees.

Honoraria

(3) The members of a board of reference may be paid an honorarium and expenses as prescribed by regulation.1988(2),c.6,s.12.

Secretarial assistance

(4) The chairman of a board of reference may secure the clerical or secretarial assistance necessary for the proper conduct and recording of the hearing.

Costs

(5) A board of reference may make orders as to costs in respect of appeals before the board.

Powers of board

88. (1) A board of reference shall conduct its hearings in accordance with the regulations and may

(a) compel the attendance of witnesses and require that evidence be given on oath;
(b) compel the production of books, documents and papers;
(c) do all things necessary to provide a full and proper investigation into any matter before it.

Offence

(2) Any person served in accordance with the regulations with a notice to attend before a board of reference who

(a) fails, without valid excuse, to attend the hearing,
(b) fails to produce any book, paper or document in his possession or under his control when required to produce it under subsection (1), or
(c) refuses to answer any proper questions put to him by the board of reference, is guilty of an offence punishable on summary conviction.

Determination

89. (1) Where a board of reference hears a teacher's appeal from dismissal, the board shall

(a) uphold the dismissal of the teacher; or
(b) grant the appeal and order the employer to reinstate the teacher to his position; and the board of reference may include in its order instructions to the employer in respect of the teacher's record, salary and such other matters as it feels just and fair in the circumstances.

Decision final

(2) The decision of the board of reference under subsection (1) is final.

TEACHERS' DUTIES AND RESPONSIBILITIES

The Act says:

The Act says teachers are responsible to:

- teach the students in their class,
- write reports and provide other information required by education authorities and the principal,
- give advice to the parents of students in class,
- make recommendations to the principal to suspend students who are continually disturbing other students,
- help the principal and other members of school staff,
- attend meetings and other school functions,
- take care of books and equipment, and
- improve their professional skills.

Although this list seems to cover most of the expected responsibilities of teachers, it is not as complete as the lists identifying teachers duties and responsibilities in other jurisdictions in Canada. For example, it does not say teachers are required to teach the approved Department of Education course of study. Nor does it say that the teacher is responsible for regularly determining the progress of students.

WHAT DO YOU THINK?

47. What should be included in the Act in the duties and responsibilities of teachers?

Teachers' Duties and Responsibilities

Duties of teachers

94. It is the duty of a teacher to:

(a) diligently and faithfully teach the students under his care having due regard for their intellectual, physical and social welfare, and their cultural identity, and perform such other tasks as are assigned to him;
(b) attempt to develop and improve his professional skills;
(c) provide such reports, records and statistics as may be required by the regulations, the Superintendent or the principal;
(d) maintain all books, materials or equipment assigned to him or placed in his care in the best possible condition, and turn them over to the appropriate authority when leaving his position or when so requested by an appropriate authority;
(e) provide parents or guardians of the students assigned to him with guidance and counsel;
(f) recommend to the principal the suspension from school of any student who, in his opinion, constitutes a continuing and seriously harmful influence on the other students assigned to him;
(g) provide assistance, co-operation and support to the principal and other members of the staff of the school;
(h) attend such meetings, activities and exercises held in connection with the school's program as the principal may direct.

TEACHERS AS PRINCIPALS

The Act says:

Every school in the Northwest Territories must have a principal. Every school with more than 10 teachers may also have an assistant principal, and both the principal and the assistant principal must be certified as teachers. Before a principal, or an assistant principal, can be removed from their positions, they must be told about this decision at least 60 days before the end of the school year. Even though they may no longer be the principal or assistant principal in the school, if both the employer and the individual agree, they may still be employed as teachers in the school.

To improve principal performance and provide opportunities for more teachers to become principals, the Act was recently amended to require that teachers must be certified through a principal training program approved by the Minister to be eligible to be appointed as a principal. It is important that principals are well trained to provide leadership, and to organize and administer the delivery of education in a school. The training program develops the skills necessary to be a good principal in an N.W.T. school. About 65 teachers finished the program in March, 1989, and received certificates.

WHAT DO YOU THINK?

48. *Where the employer decides to terminate a teacher's designation as principal what method of appeal should be available for that teacher?*

49. *Principals are the managers and leaders in their schools. Can principals be good school managers if they and the teachers they are responsible to evaluate have the same membership in the N.W.T. Teachers' Association?*

Teachers as Principals

Principals

91. (1) Subject to this section, a principal, an acting principal and an assistant principal have all the rights and duties of a teacher under this Act.

Designation of principal

(2) Subject to section 91.1 to 91.4, a Board of Education, a Board of Secondary Education, a community education society, the Superintendent after receiving advice from the community education committee, or the Divisional Board of Education after receiving advice from the community education council, shall, for every school with a staff of more than one teacher, designate a teacher to be the principal of the school. 1989(1),C.7,18.

Acting principal

(3) The Board, the Board of Secondary Education, the society or the Superintendent, as the case may be, may designate a teacher to be acting principal but where an acting principal has been designated, a principal shall be designated within the next twelve month period.

Termination

(4) A designation of principal may be terminated by giving notice in writing to the principal at least sixty days before the day set as the closing day of school, but the termination of the designation of principal does not terminate the contract of employment as a teacher. 1983(2nd),c.3,s.33; 1985(1),c.4,s.9; 1987(1),c.2,s.24,s.25.

Certificate of eligibility

91.1 A certificate of eligibility as principal may be issued to a teacher who has the qualifications set out by regulation and who successfully completes, according to the prescribed standard, the prescribed program for the training of teachers as principals. 1989(1),c.7,s.19.

Eligibility of teachers as principals

91.2 (1) Subject to subsection (2), no teacher is eligible to be designated or to continue as principal of a school under subsection 91(2), where the school has an enrolment of more than 100 students, unless the teacher holds a certificate of eligibility as principal issued in accordance with the regulations. 1989(1),c.7,s.19.

Exception

(2) A teacher who does not hold a certificate of eligibility as principal may, with the approval of the Minister, be designated as principal of a school that has an enrolment of more than 100 students where the Minister is satisfied that the prescribed conditions governing that designation are satisfied. 1989(1),c.7,s.19.

Limitation of time

(3) A teacher referred to in subsection (2) who does not obtain a certificate of eligibility as principal within three years after the day that the teacher is designated as principal is not eligible to be principal of any school that has an enrolment of more than 100 students. 1989(1), c.7,s.19.

Transitional

91.3. For a period of three years after the day on which this Act comes into force, section 91.2 does not apply to teachers designated as principals prior to the coming into force of this Act. 1989(1),c.7,s.19.

Extension of time

91.4. The Minister may, on application , grant a teacher referred to in subsection 91.2(3) or section 91.3 a single extension to enable the teacher to obtain an certificate of eligibility as principal, where the Minister is satisfied that special circumstances exist that necessitate the extension. 1989(1),c.7,s.19.

Assistant Principal

92. (1) Where a school has a staff of more than ten teachers, the Board of Education, the Board of Secondary Education, the community education society, the Superintendent after receiving advice from the community education committee, or the Divisional Board of Education after receving advice from the community education council, may designate a teacher as the assistant principal of that school.

Duties

(2) An assistant principal shall assist the principal in carrying out his duties.

Termination

(3) A designation of assistant principal may be terminated by giving notice in writing to the assistant principal at least sixty days before the day set as the closing day of school, but the termination of the designation of assistant principal does not terminate the contract of employment as a teacher. 1983(2nd),c.3,s.34; 1987(1),c.2,s.26.

Duty of principal

93. (1) Subject to the authority of the Board of Education, the Board of Secondary Education, the Divisional Board of Educatic.. or the Minister, as the case may be, a principal shall assign duties to the teachers on the staff of his school and shall be responsible for the organization, administration and discipline of the school.

Consultation

(2) A principal shall report to and consult the Board of Secondary Education, the local education authority or the community education council, as the case may be, on matters relating to the education program of the school and shall

incorporate into that program wherever possible the content, practices and procedures that represent the wishes of the Board of Secondary Education, the local education authority or the community education council, as the case may be.

Reports

(3) Every principal shall prepare and submit to the local education authority the reports referred to in paragraphs 21(1)(e) and 37(b) and to the community education council the report referred to in paragraph 53.24(a). 1983(2nd),c.3,s.35; 1985(2),c.3,s.4; 1987(1),c.2,s.27,s.28.

CLASSROOM ASSISTANTS AND TEACHING PARA-PROFESSIONALS

The Act says:

Classroom assistants are very important staff members in a school, especially when a student's first language is an aboriginal language. Until the N.W.T. has sufficient numbers of teachers who are fluent and able to teach aboriginal languages, classroom assistants will continue to provide an important liaison between the students and the teachers in schools.

The Education Act now says that it is not necessary for classroom assistants to be certified teachers. However, they must work with a certified teacher and take direction from that teacher. Classroom assistants are now being encouraged to take teacher education classes, and a category of teaching certificates for aboriginal language specialist teachers is being developed. This supports one of the recommendations of the Special Committee on Education which stated that classroom assistants should be encouraged to become certified teachers.

There are also other people without certificates who work in schools. These individuals may be general teacher aides, assistants for students with identified special needs and teacher interns who are practice teaching. Of these individuals only teacher interns are legally authorized to be in the classroom.

WHAT DO YOU THINK?

50. If a category of teachers is established called aboriginal language specialist teachers, will there still be a need to provide for classroom assistants in the Act?

51. Do you agree that teaching para-professionals should be legally authorized in the Act to be present in schools?

Classroom Assistants

Classroom assistant

95. (1) No person shall be employed as a classroom assistant unless he satisfies the requirements prescribed by the regulations for such a position.

Supervision

(2) Every classroom assistant employed in a classroom shall be under the direction of a teacher.

Teacher Interns

83.2. (1) In this section, "teacher interns" means persons enrolled in a teacher training program

(a) of the Arctic College under the Arctic College Act; or

(b) in an approved institution as defined in the Student Financial Assistance Regulations

Training of Teacher Interns

(2) Every Board of Education, Board of Secondary Education, Divisional Board of Education and community education society shall authorize teacher interns to have access to the schools within the jurisdiction of that Board or society for the purpose of practice teaching and observation.

Idem

(3) Where the local education authority for a district is a community education committee, the Superintendent shall authorize teacher interns to have access to the schools within that district for the purpose of practice teaching and observation. 1988(2),c.6,s.11.

PART 6: STUDENTS

The Education Act includes sections on student attendance, suspension and expulsion, and student transportation and accommodation. The Act does not describe students' rights to education or their responsibilities, and it does not talk about the parents' and communities' role in education.

COMPULSORY SCHOOL ATTENDANCE

The Act says:

The Act says children between six years and fifteen years old must attend school. Children in this age group do not have to attend school if the Superintendent or Director of a Divisional Board of Education is certain that they are receiving a proper education through home-schooling or through a private school.

Children are excused from attending school if they are out on the land learning traditional skills, or are involved in some other learning experience outside of the community. Children are also excused from attending if they are sick. Finally, if the Superintendent or Director, after talking with the education authority puts in writing that the education available in the student's community is not suitable for that student, the student is not legally required to attend school.

The issue of enforcing attendance was not addressed in the Act until 1985. When the Act was debated in the Legislative Assembly there was general agreement that children should be required to attend school, but there were many ideas on how compulsory attendance should be enforced. At that time the Legislative Assembly agreed that compulsory attendance should be enforced, but the Assembly insisted that the application of this law should be at the discretion of the local education authority. As a result, this section of the Act is only in effect when individual local education authorities request it. So far more than one-half of the LEAs have requested it.

This section says that parents are responsible for seeing that their children attend school regularly, if they don't they are breaking the law. The Act provides for school community counsellors to work with parents and teachers to improve students' school attendance. The Act also defines the steps to take to lay a charge against parents for not making their children attend school.

A program was developed to train school community counsellors. So far more than 20 school community counsellors have been trained and are working in communities. Another group of trainees is now taking the program. This part of the approach to enforcing compulsory attendance has been successful and school attendance has improved.

In places where local education authorities have tried to lay charges against parents who did not make their children attend school, the procedures were found to be too complicated, and no charges have actually been laid.

School Attendance

Definitions

96. (1) In this Part

child

"child" means a person who, on the thirty-first day of December of an academic year, is between the ages of six and fifteen years inclusive;

compulsory school attendance

"compulsory school attendance" means the attendance of a child at school that is required by this Act;

local education authority

"local education authority" includes a community education council for an education district within an education division, a Divisional Board Education, where an education division is comprised of one education district, and a Board of Secondary Education;

parent

"parent" includes guardian or other person having charge of a child.

compulsory school attendance

(2) Unless a child is exempted from attending school under subsection (3), every child shall attend school during the academic year in which a child is resident in an education district or an education division, as the case may be, in which a school is operating.

Exceptions

(3) A child is not required to attend school where

(a) in the opinion of the Superintendent for the education district, the Divisional Board of Education for the education division or the school operated by a Board of Secondary Education, as the case may be, the child is receiving adequate instruction elsewhere;

(b) the child is unable to attend by reason of his own sickness or other unavoidable cause that has been reported to the principal;

(c) the child is attending a private school approved by the Minister;

(d) the principal of the school, after consultation with the parent, has excused the child from attending school for such period as he may direct in order to allow the child to participate in traditional native activities on the land or other learning experiences away from the community;

(e) the child has been suspended or expelled from school by the proper authority;

(f) the Superintendent, after consultation with the local education authority, has stated in writing that he is of the opinion that no suitable program of instruction is offered in the school that the child would normally attend; or

(g) the Divisional Board of Education, subject to subsection 53.13(2) has stated in writing that, in its opinion, there is no suitable program of instruction offered in the education division for that child.

Duty of parent

(3.1) Unless a child is exempted from attending school under subsection (3), every parent shall cause a child to attend school during the academic year in which

the child is resident in an educationl district or in an education division, as the case may be, in which a school is operating.

Offence

(4) Every person who fails to comply with subsection (3.1) is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars. 1983(2),c.3,s.36,37,38,39; 1985(2),c.3,.4; 1985(3),c.3,s.4,5,6,7,8,9,10; 1987(1),c.2,s.29,30.

(5) Repealed 1985(3),c.3,s.10

Free education

97. (1) Subject to sections 53 and 79, no tuition fees shall be charged for the attendance in any Northwest Territories school of a student whose parent or guardian is a resident of the Territories.

Tuition fees

(2) A tuition fee to be approved by the Minister may be charged any student whose parent or guardian is not a resident of the Northwest Territories. 1985(2),c.3,s.4.

School counsellor

98. (1) The Minister, upon recommendation of a local education authority, may appoint one or more school counsellors for the education district, the education division or the school operated by the Board of Secondary Education, as the case may be, to enforce compulsory school attendance.

Direction to school counsellor

(2) A school counsellor shall exercise his powers and perform his duties under the direction of the local education authority.

Reporting of school counsellor

(3) A school counsellor shall report to the local education authority as required by that local education authority. 1983(2),c.3,s.40; 1985(2), c.3,s.4; 1985(3),c.3,s.11; 1987(1),c.2,s.32.

Information respecting absence

98.1. (1) A principal may request that a child who has not been exempted from attending school under subsection 96(3) or a parent of such child provide information in respect of a period of absence from school of the child.

Information of child or parent

(2) A child or a parent, as the case may be, shall provide, without delay, the information requested pursuant to subsection (1). 1985(3),c.3,s.12.

Duties of Principal

98.2. (1) Where a child is absent for a total of four days in any month and the principal is of the opinion that the absences are avoidable or not justified, he shall report, in writing, the absences of the child to the local education authority and a school counsellor.

Inquiry requested

(2) Where a principal is of the opinion that a child is habitually late or his attendance is irregular, he may request a school counsellor to inquire into the absences of the child and give notice of the child's tardiness or irregular attendance to a parent of that child.

Information

(3) A principal shall furnish the school counsellor with such other information as in his opinion the school counsellor requires for the enforcement of compulsory school attendance. 1985(3),c.3,s.12.

Designation of assistant

98.3. (1) The Minister, upon the recommendation of a local education authority, may designate a person to assist a school counsellor, in such a manner as the local education authority directs, with an inquiry under subsection 98.2(2).

Powers of assistant

(2) Unless the Minister in the designation restricts or removes any or all of the powers, a person designated by the Minister has the powers of a school counsellor in respect of an inquiry. 1985(3),c.3,s.12.

Duties of school counsellor

98.4. (1) Upon the receipt of a report referred to in subsection 98.2(1) or a request referred to in subsection 98.2(2), a school counsellor shall

(a) without delay, conduct an inquiry;
(b) report to the principal and the local education authority his findings as a result of the inquiry; and
(c) make every reasonable effort to obtain the co-operation of the child and his parent in resolving the attendance problem.

Notice of inquiry to parent

(2) A school counsellor shall give a written notice of the inquiry referred to in paragraph (1)(a) to the parent of a child in respect of whom he is conducting an inquiry and request that the parent cause his child to attend school during the academic year. 1985(3),c.3,s.12.

Powers of school counsellor

98.5. (1) A school counsellor may, for the purposes of exercising his powers and performing his duties

(a) subject to paragraph (b), enter any place in which a child may be found or employed;
(b) enter a private residence with the permission of the occupant; and
(c) send to school, and accompany him for that purpose, any child whom he has reasonable cause to believe is unlawfully absent from school.

Duty of school counsellor

(2) A school counsellor shall, only at the request of the local education authority which has obtained the consent in writing of the Minister, institute proceedings for the prosecution of an offence referred to in subsection 96(4) or section 98.7. 1985(3),c.3,s.12.

Receipt of report of school findings

98.6. (1) Upon receipt of the report of a school counsellor referred to in paragraph 98.4(1)(b) and at the request of the principal, the local education authority shall determine whether further measures are needed to resolve the attendance problem of the child.

Notice to child and parent

(2) Where a local education authority has determined that further measures are needed to resolve the attendance problem of a child, the local education authority shall give a written notice of any such measures to be taken to the child and parent, prior to implementing the measures, specifying the measures, and that the child or the parent may make representations to the local education authority where the child or the parent disagrees with the measures. 1985(3),c.3,s.12.

Offences

98.7. Any person who

(a) refuses to give a principal, a school counsellor, a person designated under section 98.3 or a local education authority information in respect of the absences of a child from school;
(b) gives false information in respect of absences of a child from school;
(c) by threat, intimidation or otherwise prevents or attempts to prevent the attendance of a child at a school; or
(d) in any way interferes with the school counsellor or a person designated under section 98.3 while he is carrying out the provisions of this Part or the regulations, is guilty of an offence and is liable on summary conviction to a fine not exceeding one hundred dollars. 1985(3),c.3,s.12.

Application

98.8. The Minister may, at the request of the local education authority, by order, declare that sections 98 to 98.7 or any of those provisions or the regulations respecting compulsory school attendance apply to an education district, an education division comprised of one education district or a school operated by a Board of Secondary Education and such provisions apply only to those education districts, education divisions or schools operated by Boards of Secondary Education so declared. 1985(3),c.3,s.12; 1987(1),c.2,s.33.

Consent to prosecution

98.9. No proceedings for the prosecution of an offence referred to in subsection 96(4) or section 98.7 shall be instituted except with the consent, in writing, of the Minister. 1985(3),c.3,s.12.

WHAT DO YOU THINK?

52. Should compulsory attendance be in force in all districts of the N.W.T., or should individual local education authorities continue to have the choice to request that the compulsory attendance section of the Act apply to their community?

53. Should the steps required to enforce compulsory school attendance be simplified?

54. Should students be required to go to school until they have reached a defined level of competence, or should students continue to be required to attend school until they have reached a certain age?

55. If you believe compulsory attendance should be in place until a student has reached a certain age, what age should that be?

56. Should students over 15 have a legal right to attend school?

57. Should sections be added to define students' and parents' rights and responsibilities? If you agree that information should be added, what should be included? Rights to consider are: students' rights to access an education program, and students' rights to access their records.

58. If students had the right to attend school at what age should that right begin, and at what age should it end? For example, should students be given the right to attend school from age 4 to age 21?

SUSPENDING OR EXPELLING A STUDENT

The Act says:

The Education Act says that students can be suspended if they purposely or continually disobey school rules, or do things which disturb or are dangerous to other students. Only a principal can suspend a student, and the suspension cannot be for more than five days. The principal also has to report all suspensions to the Superintendent or Director, who can cancel the suspension, make it longer, or expel the student for part of the school year, or all of the school year.

The Superintendent or Director, however, has to report the decision made on suspension to the .

Local Education Authority. The LEA then has the power to overturn the decision of the Superintendent or Director, within 15 days of when they received notice of the suspension.

Students themselves, or students' parents, can appeal to the Minister of Education to cancel a suspension or expulsion. The Minister of Education can agree with or cancel the decision of the Superintendent or Director. The decision of the Minister is final.

WHAT DO YOU THINK?

59. Do you agree with suspending or expelling students from school if they disobey school rules? What alternatives would you suggest?

60. Do you agree with corporal punishment ("the strap")? Should corporal punishment be banned in N.W.T. schools?

Deportment

Suspension of student or recommendation of expulsion

99. (1) A principal may suspend a student from school for a period not to exceed five consecutive days of school or may recommend to the Superintendent that a student be expelled from the school for a semester or the remainder of a semester or the remainder of the academic year, for

(a) wilful or persistent disobedience; or
(b) conduct that, in the opinion of the principal,
  (i) endangers the welfare of other students,
  (ii) interferes with the work of other students, or
  (iii) creates a situation that constitutes a seriously harmful influence on other students.

Report to parents or student

(2) The principal shall immediately report, in writing, any suspension or recommendation of expulsion to the Superintendent, the local education authority, the parent of the student and, where appropriate, the student.

Power of Superintendent

(3) Upon receipt of a report of the principal, the Superintendent shall consider the decision of the principal and may

(a) extend or terminate the suspension; or
(b) expel the student for a semester or the remainder of the academic year, and give notice of his decision, in writing, to the principal, the local education authority, the parent of the student and, where appropriate, the student.

Local education authority to consider decision of Superintendent

(4) Where a Superintendent expels a student, the local education authority shall, within fifteen days of the receipt of the notice of the decision of the Superintendent, consider the decision of the Superintendent and may terminate the expulsion.

Appeal to Minister

(5) Where the local education authority does not terminate the expulsion, a parent or, where appropriate, a student may appeal the decision of the Superintendent to expel the student to the Minister in accordance with the regulations and the Minister may confirm, vary or quash the decision of the Superintendent, and the decision of the Minister is final. 1983(2)c.3,s.41; 1985(3),c.3,s.13.

Disturbances in school

100. (1) Any teacher may exclude from the school premises any person who creates or attempts to create a disturbance on school premises while being used for school purposes.

Offence

(2) Where a teacher attempts to exclude a person from the school premises and that person refuses to leave the school premises, that person is guilty of an offence and liable on summary conviction.

STUDENT TRANSPORTATION AND ACCOMODATION ASSISTANCE

The Act says:

The Education Act says that school transportation assistance may be provided. Where arrangements are made for the transportation of students, the distance to school, major safety factors, the climate and the age and state of physical and mental health of the students are taken into consideration. In practice school bussing is provided in some districts, but the criteria vary from district to district. In other jurisdictions in Canada a certain distance from school usually entitles students to transportation assistance.

The Act also says that accommodation for students may be provided. Accommodation made be provided in residences, hostels or boarding homes. The responsibility to provide these services can be given to divisional boards by the Minister of Education. There are no details in the present Act about how these services will be provided, and it is not required that these services be provided.

WHAT DO YOU THINK?

61. *What details should the Act and regulations include to ensure that student transportation assistance programs are delivered well and consistently across the Northwest Territories?*

62. *What details should the Act and regulations include to ensure that student accommodation programs are delivered well and consistently across the Northwest Territories?*

Conveyance of Students

Conveyance of students

101. Every Board of Education, Divisional Board of Education, Board of Secondary Education and, in education districts that are not included in an education divisioin and where there is no Board of Education, the Minister, may make arrangements for the conveyance of students in accordance with the regulations. 1983(2nd),c.3,s.42; 1985(2),c.3,s.4; 1987(1),c.2,s.34.

Accommodation

Student residences

102. The Minister may operate student residences or boarding homes for the accommodation of students. 1985(2),c.3,s.4.

WHAT HAPPENS NEXT?

Department of Education staff plans to come to speak to education boards and agencies during the fall, 1990, to explain the Education Act and to discuss any concerns or comments boards and agencies may have.

These comments will be formally recorded. Written comments on the questions asked in this discussion paper, or any other comments that you would like to make about the Education Act will be appreciated.

Please send your comments to the Director, Policy and Evaluation, Department of Education, by January, 1991. All comments received will be summarized in a report to be tabled in the Spring Session, 1991. This report will provide direction for redrafting the Education Act.

Once the report is completed next spring, the earliest a redrafted version of the Education Act will be ready for discussion is the Fall, 1992. It is difficult to say exactly how long the redraft of the Act will take. In both Alberta and Yukon rewriting the Education Act took approximately 4 years.

PROPOSED REDRAFT TIME LINE

September, '90 – Discussion Paper Released

Fall, '90 – Presentation to Boards & Agencies

January, '91 – Responses Requested

April, '91 – Report Tabled Providing Direction

September, '92 – Redraft of Act Tabled for Further Comment

If you would like more information about the Act, or the process to redraft the Act, please call the office of the Director of Policy and Evaluation, Department of Education at (403) 920-6221.